# First Nations Water Rights in British Columbia

*A Historical Summary of the rights of the Osoyoos First Nation*

DOC
BC
W324
D:F57:07
1999
[ie2000]
c.3

WATER BC our vital resource
Ministry of Environment, Lands and Parks

LEGISLATIVE LIBRARY
VICTORIA, BC V8V 1X4

BRITISH COLUMBIA

LEGISLATIVE LIBRARY OF BRITISH COLUMBIA
3 3298 00230 4716

100-04950/

**MINISTRY OF ENVIRONMENT, LANDS and PARKS**
**WATER MANAGEMENT BRANCH**

# *FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:*

## *A Historical Summary of the rights of the Osoyoos First Nation*

| | |
|---|---|
| Research and writing by: | Gary W. Robinson<br>Daniella Mogus |
| Edit by: | Miranda Griffith<br>Diana Jolly |
| Review by: | Gary W. Robinson |
| Prepared for publication: | December, 1999 |

**Canadian Cataloguing in Publication Data**
Robinson, Gary W.
First Nations water rights in British Columbia. A historical summary of the rights of the Osoyoos First Nation

ISBN 0-7726-4131-5

1. Water rights - British Columbia - Osoyoos Indian Reserve No. 1. 2. Okanagan Indians - British Columbia - Government relations. I. Mogus, Daniela. II. Griffith, Miranda. III. Jolly, Diana. IV. British Columbia. Water Management Branch. V. Title. VI. Title: Historical summary of the rights of the Osoyoos First Nation.

KEB529.5.W3R623 2000 346.71104'32 C00-960038-8
KF8210.W38R623 2000

# ACKNOWLEDGMENTS

The Ministry of Environment, Lands and Parks wishes to acknowledge three partners whose contributions were invaluable in the completion of the *Aboriginal Water Rights Report Series:*

The Ministry of Aboriginal Affairs, was a critical source of funding, support and direction for this project.

The U-Vic Geography Co-op Program, was instrumental in providing the staffing resources needed to undertake this challenging task. Through the services of June Whitmore and her office, the project benefited from the research, writing, editing and co-ordination of these outstanding students:

Jas Gill
Julie Steinhauer
Kelly Babcock
Daniella Mogus
Miranda Griffith
Christina Rocha
Rachel Abrams
Elizabeth Lee
Sara Cheevers

The services of Clover Point Cartographics Limited of Victoria, was responsible for the preparation of most of the map drawings, which form a valuable part of these documents.

In addition to these three key partners, I must acknowledge the valuable contributions of other Water Management staff, past and present, including Jack Farrell, Jim Mattison, Richard Penner, Diana Jolly, Greg Blaney, Gary Lucas and Kim Johnston.

The sheer numbers of First Nations groups' with histories of water rights made the completion of the Report Series seem, at times, prolonged. The determination, patience and vision of the partners was essential in the completion of the Series and is gratefully acknowledged.

Gary Robinson
Project Manager
Water Management Branch

# TABLE OF CONTENTS


LOCATION ..... 1

WATER ALLOCATIONS ..... 2

HISTORY, CURRENT STATUS AND NOTES ..... 3

Atsiklak Creek and Springs
- History ..... 3
- Current Status ..... 4
- Notes ..... 5

Inkaneep Creek
- History ..... 5
- Current Status ..... 7
- Notes ..... 8

Okanagan River
- History ..... 8
- Current Status ..... 9
- Notes ..... 10

Osoyoos Lake
- History ..... 10
- Current Status ..... 11
- Notes ..... 12

Rancher Creek
- History ..... 12
- Current Status ..... 13
- Notes ..... 13

Solitaire Lake
- History ..... 14
- Current Status ..... 15
- Notes ..... 15

Tugulnuit Lake
- History ..... 15
- Current Status ..... 16
- Notes ..... 17

Wolfcub Creek
History....17
Current Status....18
Notes....18

OTHER INFORMATION....19

ATTACHMENTS UNDER THE FOLLOWING INDEX TABS:

TAB NO.

1. TABLE: Summary of Water Records for the Osoyoos Band

2. RECORD OF MINUTE OF DECISIONS (AGBC 590452)

3. LICENCES and PLATS
   Conditional Licences 6690, 6693, 6694, 26616, 26870, 31930, 35629, 35630, 35795, 38683, 59415
   Final Licences 9760, 9761, 20238

4. STREAM REGISTER REPORTS Atsiklak Creek, Atsiklak Springs, Inkaneep Creek, Okanagan River, Osoyoos Lake, Rancher Creek, Solitaire Lake, Tugulnuit Lake and Wolfcub Creek

5. WATER SURVEY OF CANADA RECORDS Inkaneep Creek, Okanagan River and Wolfcub Creek

6. COPIES OF THE DATA SUMMARY OF GROUNDWATER RECORDS IN THE OSOYOOS RESERVE NO. 1 AREA

7. Water Records for the Osoyoos Band found in the Schedule of Indian Reserves in the Dominion, 1913.

8. MAP: OSOYOOS BAND - Osoyoos Reserve No. 1

# FIRST NATIONS WATER RIGHTS REPORT


**BAND:** Osoyoos

**ADDRESS:** R.R. 3, Site 25, Comp. 1,
Oliver, B.C. V0H 1T0

**CHIEF:** Chief Clarence Louie

**PHONE:** 498-3444 **FAX:** 498-6577

**AFFILIATION:** Okanagan Tribal Council


---

## LOCATION:

The Osoyoos Band occupy 32,251 acres (13,052 hectares) in reserve lands, which include Osoyoos Reserve No. 1 and Osoyoos Reserve No. 3. Of these reserve lands water rights have been issued on Osoyoos Reserve No. 1; a reserve of 32091.2 acres (12,987.6 ha). According to the latest population figures compiled by the Ministry of Finance, the Osoyoos Band has 237 persons living on-reserve as registered members. Its total population including registered and non-registered members living on- and off-reserve is 332.

The reserve is located in the Interior Plateau region of British Columbia and is classified as occurring in the Bunchgrass Biogeoclimatic Zone. The Bunchgrass Biogeoclimatic Zone is confined to the lower elevations of the driest and hottest valleys of the southern interior. Osoyoos Reserve No. 1 ranges in elevation from 1000 to 5400 feet above sea level. Regional temperatures range from an average daily low of -5 degrees centigrade, in January, to an average daily high in excess of 20 degrees centigrade, in July. Average annual rainfall for the area totals less than 30 centimetres.

Water courses of significance include:

- Atsiklak Spring and Creek - flows southwesterly through the northern part of Osoyoos Reserve No. 1. Atsiklak Spring and Creek are tributaries of the Okanagan River.

- Inkaneep Creek - flows southwesterly and passes through the southeastern boundary of Osoyoos Reserve No. 1, and then discharges into Osoyoos Lake.

- Okanagan River - flows south across the northwestern border of Osoyoos Reserve No. 1.

- Osoyoos Lake - flows south along the southwestern boundary of Osoyoos Reserve No. 1.

- Rancher Creek - flows southwesterly and passes through the southern border of Osoyoos Reserve No. 1. The creek is tributary to Long Joe Creek.

- Solitaire Lake - a small lake north of Tugulnuit Lake, located in the middle of Osoyoos Reserve No. 1

- Tugulnuit Lake - found on the northwestern border of Osoyoos Reserve No. 1. The lake flows north into Okanagan River.

- Wolf Cub Creek - passes through the northern portion of Osoyoos Reserve No. 1, flowing southwesterly. Wolf Cub Creek is tributary to the Okanagan River.

## WATER ALLOCATIONS:

There are no records of water allocations made by Order in Council of the Lieutenant Governor in Council, with respect to the Osooyos Band. The water rights of the Band have been determined by four actions of government over the years:

1. Allotments by the Indian Reserve Commissioners.

   Following confederation, the Province and the Dominion established an Indian Reserve Commission to reserve lands for the Indians and to facilitate transfer of those lands to the Dominion. In setting apart lands for reserves, the Reserve Commissioner made it their practice to allot water with the lands. It is understood that this practice was unique among Indian Reserves in Canada and the authority of these Commissioners to allot water rights has always been disputed by the Province.

2. Determinations of the Board of Investigation under the Water Act, 1914 with respect to claims made by the Department of Indian Affairs, which resulted in the subsequent issue of water licenses.

3. The granting of water licenses in response to Federal Government applications requesting authorization for the use of water on reserves.

4. Actions to amend licensed rights pursuant to provisions in the Water *Act*.

## HISTORY, CURRENT STATUS AND NOTES:

The history of water rights, the current status of rights and notes for the Okanagan Indian Band with respect to Atsiklak Spring and Creek, Inkaneep Creek, Okanagan River, Osoyoos Lake, Rancher Creek, Solitaire Lake,Tugulnuit Lake, Wolf Cub Creek are as follows:

### Atsiklak Springs & Creek

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Dec 10, 1922** At the Final Hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to the use of the water's of Atsiklak Spring and Creek, was made under the authority of an Act passed

prior to the 12th day of March, 1909. The Order of the Board numbered 1934, set out that a conditional licence should be issued which would:

(i) provide for the diversion of water from Atsiklak Spring and Creek;
(ii) take precedence from the 30th day of January, 1897; and
(iii) authorize the diversion of 336 acre feet per year for irrigation purposes and 1,000 gallons per day, year-round for domestic purposes, on 30 acres of Okanagan Reserve No. 1.

**Dec 10, 1922** The Comptroller of Water Rights issued Conditional Water Licence 6693, which embodied the terms and conditions set out in Board Order 1937.

**Aug 20, 1936** The Comptroller of Water Rights issued Final Water Licence 9760 in substitution of Conditional Water Licence 6693 to the Superintendent-General of Indian Affairs of Ottawa on behalf of the Osoyoos Band. The licence has a date of precedence of January 30, 1897 and authorizes the diversion of 90 acre feet of water per annum from Atsiklak Springs and Creeks. Of this quantity 1000 gallons a day maybe used for domestic purposes The water is authorized for use between April 1 and September 30 for irrigation purposes on 30 acres of the northern portion of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Current Status:**

Final Licence 9760 held by the Osoyoos Band is the only active licence held on Atsiklak Springs and Creek.

In 1935, the Report for Final Licence indicated that Band members were concerned about reduced flows on Atsiklak Springs and Creek.

Water Survey of Canada has no records of streamflow of Atsiklak Spring and Creek and there is no current information on water availability.

**Notes:**

1. The allocation made by the Indian Reserve Commission could apply to Atsiklak Spring and Creek.

2. The allotment under Conditional Water Licence 6693 is significantly larger than that authorized under the licence issued in substitution, Final Water Licence 9760.

## Inkaneep Creek

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve.*

**Dec 10, 1922** At the Final Hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs to rights to the use of the water's of Inkaneep Creek, was made under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board numbered 1903, set out that a conditional licence should be issued which

would:

(i) provide for the diversion of water from Inkaneep Creek;
(ii) take precedence from the 1st day of February, 1897; and
(iii) authorize the diversion of a maximum of 2016 acre feet per year for irrigation purposes and 15,000 gallons of water a day throughout the whole year for domestic purposes.

**Dec 10, 1922** The Comptroller of Water Rights issued Conditional Water Licence 6690, which embodied the terms and conditions set out in Board Order 1903.

**Jan 26, 1937** The Comptroller of Water Rights extended the time for the completion of works for Conditional Water Licence 6690 to December 31, 1938.

**Mar 3, 1939** The Comptroller of Water Rights extended the time for the completion of works for Conditional Water Licence 6690 to December 31, 1939.

**Oct 9, 1942** The Comptroller of Water Rights extended the time for the completion of works for Conditional Water Licence 6690 to December 31, 1945.

**Jul 12, 1965** The Comptroller of Water Rights issued an Order authorizing an amendment of Conditional Water Licence 6690, whereby the construction of the required works would be completed and water put to beneficial use by December 31, 1968. An amendment to clause, (a), was also added, which read:

*(a) The source of the water supply is Inkaneep Creek*

**May 15, 1970** The Comptroller of Water Rights issued Conditional Water Licence 35629 to the Superintendent-General of Indian Affairs on behalf of the Osoyoos Band. The licence was given a date of precedence of March 1, 1968 and authorized the diversion of 200 acre feet of water per annum from Inkaneep Creek into Cassidy Lake and re-diversion of water from the lake. The water was to be used between April 1 and September 30 for irrigation purposes on Lots 1, 2, 3, and 5 of Block B of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

The licence does not authorize the re-diversion and use of water from Cassidy Lake at any time when the water level falls below the minimum level as determined by the Water District Engineer.

**May 15, 1970** The Comptroller of Water Rights issued Conditional Water Licence 35630 to the Superintendent-General of Indian Affairs on behalf of William H. and Margaret J. Anderson, lessees on Osoyoos Reserve No. 1. The licence was given date of precedence of March 1, 1968 and authorized the diversion and storage of 200 acre feet of water per annum at Cassidy Lake. The water is authorized for storage between October 1 and June 30. The land upon which the water was to be used and to which the licence is appurtenant is set out in Conditional Licence 35629.

**Apr 29, 1987** A letter was received from the Osoyoos Band to notify of the cancellation of lease between the Osoyoos Band and Anderson Potato Ltd. A request was made to re-issue water licences 35629 and 35630 in the name of the Osoyoos Band.

**May 12, 1987** As requested Conditional Water Licences 35629 and 35630 were amended in the name and address: of Indian Affairs, Osoyoos Band, Box 1000, 800 Burrard Street, Vancouver, B.C., V6Z 2J3.

**Jan 25, 1988** Change in Licensee Notification was received from Patrick Allan, who had taken over some of the land leases held by W.H. Anderson. Additionally, Mr. Allan requested that water rights previously held by W.H. Anderson, be transferred to him as they pertained to land he now leased.

**Jan 28, 1988** By telephone conversation with Hubert George, it was decided that the licence in question would remain registered to the Osoyoos Band. Patrick Allen was notified accordingly.

**Current Status:**

Currently, there are three licences on Inkaneep Creek, all of which are held by the Osoyoos Band. Of these licences:

- 2 authorize the diversion of large quantities of water for irrigation purposes, ranging from 200 to 2016 acre feet.

- 1 authorizes the diversion of water for 200 acre feet for storage non-power purposes.

Water Survey of Canada operated station 08NM012 on Inakeep Creek near Oliver (lower Station) from 1920 to 1950. During this period, the station recorded a minimum daily discharge of .008 $m^3$/sec (.282 cubic feet/sec) on May 27, 1944 and a maximum daily discharge of 6.06 $m^3$/sec (214.003 cubic feet/sec) on April 25, 1946. Mean monthly discharges reached a low of .073 $m^3$/sec in February, and rose to a high of 1.96 $m^3$/sec in May.

**Notes:**

The allocation made by the Indian Reserve Commission could apply to Inkaneep Creek.

## Okanagan River

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

*"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or toucking their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

*"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Dec 12, 1983** The Comptroller of Water Rights issued Conditional Water Licence 59415 to the Osoyoos Band. The licence was given date of precedence of October 1, 1983 and authorizes the diversion 1656 acre feet of water per annum, plus an additional quantity as the engineer may from time to time determine should be allowed for losses, from Osoyoos Lake. The water is authorized for use from April 1 and September 30 for irrigation purposes on 30 acres of Lots 30 and 31, Block B of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Mar 2, 1984** The Department of Fisheries and Oceans requested that certain measures be undertaken to ensure sockeye salmon eggs downstream would not be jeopardized, with the establishment of the proposed intake on the Okanagan River, authorized under Conditional Licence 59415.

**Current Status:**

Currently, there are 62 licences on Okanagan River. Of these licences:

- 36 authorize the diversion of small quantities of water for irrigation purposes ranging from 1.6 to 95.32 acre feet.
- 13 authorize the use of 500 gallons of water a day for domestic purposes.
- 7 authorize the diversion of large quantities of water ranging from 169 to 1656 acre feet of water.
- 3 authorize the use of water for municipal irrigation, ranging from 440 to 58656.8 acre feet.
- 1 authorizes the use of 3,600,000 gallons a day to maintain the level Tugulnuit Lake.
- 1 authorizes the use of 1,000 gallons a day for stock watering purposes.
- 1 authorizes the use of 225 acre feet for conservation waterworks purposes by the Fisheries Branch.

Note: A single licence may authorize multiple uses.

The Osoyoos Band holds one licence, Conditional Water Licence 59415, which is fifty-seventh in priority.

Water Survey of Canada operated station 08NM085 on Okanagan River near Oliver from 1944 to 1990. During this period, the station recorded an extreme minimum daily discharge of 2.24 $m^3$/sec (cubic feet/sec) on January 29, 1971 and a maximum

daily discharge of 84.1 $m^3$/sec (cubic feet/sec) on May 12, 1972. Mean monthly discharges reached a low of 11.2 $m^3$/sec in January, and rose to a high of 29.9 $m^3$/sec in June.

**Notes:**

The allocation made by the Indian Reserve Commission could apply to Okanagan River.

## Osoyoos Lake

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Dec 15, 1967** The Comptroller of Water Rights issued Conditional Water Licence 38683 to the Superintendent-General of Indian Affairs on behalf Mr. Dale Kilbach, a lessee on Osoyoos No. 1. The licence was given date of precedence of February 11, 1971 and authorizes the diversion 120 acre feet of water per annum from Osoyoos Lake. The water is authorized for use from April 1 to September 30 for irrigation purposes on 30 acres of Lots 30 and 31, Block B of

Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**May 4, 1978** A notification was received from Mr. Ernest Kilback, lessee of Lots 30 and 31, Block B of Osoyoos Reserve No. 1, advising the Comptroller of Water Rights that Mr. Kilback abandoned his rights as specified under Conditional Water Licence 38683. Mr, Kilback abandoned Conditional Licence 38683 as he was no longer leasing the appurtenant lands.

**Jun 20, 1978** In response to a notification that lands under Conditional Licence 38683 were no longer leased, the Comptroller of Water Rights placed Conditional Licence 38683 in the name of the Indian Affairs Branch, on behalf of the Osoyoos Band.

**Jul 24, 1979** At a meeting regarding Zosel Dam and Osoyoos Lake, Washington State officials expressed concern over rights the Osoyoos Band potentially had to divert significant quantities of water from Osoyoos Lake, with respect to the development of Washington State lands on the east side of the Lake.

**Aug 14, 1979** In response to concerns expressed by the Washington State officials the Comptroller Water Rights provided a list of water rights authorized to the Osoyoos Band. The Comptroller advised the Water Investigations Branch of Washington state that he:

> *"was not aware of any private or historic rights granted for irrigation or other water use purposes"*

on Osoyoos Reserve No. 1.

**Current Status:**

There are currently 101 licences reported on Osoyoos Lake. One of the 101 licences is held by the Osoyoos Band. Of the licences on Osoyoos Lake:

- 69 authorize the diversion of small quantities of water for irrigation purposes, ranging from .25 to 80 acre feet of water.
- 23 authorize the use of water for domestic purposes, ranging from 500 to 1000 gallons a day.
- 5 authorize the diversion of large quantities of water, ranging from 120 to 640 acre feet of water.

- 4 authorize the use of water for municipal irrigation, ranging from 56 to 753 acre feet of water.
- 1 authorizes the use of 20,000 gallons a day for processing.
- 1 authorizes the use of 400,000 gallons a day for cooling.
- 2 authorize the diversion of water for local waterworks purposes ranging from 7,300,000 to 10,950,000 gallons a year.
- 1 authorizes the use of 3,600,000 gallons a day for maintaining the level of Tugulnuit Lake.
- 2 authorize the diversion of water for frost protection purposes, ranging from 6.25 to 22.5 acre feet of water day.
- 1 authorizes the use of 8 acre feet of water for residential lawn watering.
- 1 authorizes the use of 42 acre feet for watering a golf course.
- 1 authorizes the use of water for construction work, no quantity of water was defined.
- 1 authorizes the use of 4,800 gallons a day for enterprise purposes.

The Osoyoos Band, which holds Conditional Water Licence 38683 is 72 in priority on Osoyoos Lake.

**Notes:**

The allocation made by the Indian Reserve Commission could apply to Osoyoos Lake.

## Rancher Creek

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Jul 2, 1970** The Comptroller of Water Rights issued Conditional Water Licence 35795 to the Superintendent-General of Indian Affairs on behalf of the Osoyoos Band. The licence has a date of precedence of July 29, 1969 and authorizes the diversion 10,000 gallons a day of water from Rancher Creek. The water can be used throughout the year for waterworks purposes Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Current Status:**

Conditional Licence 35795 held by the Osoyoos Band is the only active licence held on Rancher Creek.

Water Survey of Canada has no records of streamflow on Rancher Creek and there is no other current information on water availability.

**Notes:**

1. The allocation made by the Indian Reserve Commission could apply to Rancher Creek.

2. The existence of Conditional Water Licence 35795 should qualify the Rancher Creek drainage system for designation as a Community Watershed under the provisions of the Forest Practices Code.

## Solitaire Lake

### History:

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Jan 3, 1962** The Comptroller of Water Rights issued Conditional Water Licence 26870 to the Director of Indian Affairs of Ottawa on behalf of the Osoyoos Band. The licence has a date of precedence of July 10, 1961 and authorizes the diversion 200 acre feet of water per annum from Solitaire Lake. The water is authorized for use from April 1 to September 30 for irrigation purposes on 50 acres of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Jul 21, 1966** The Comptroller of Water Rights extended the time authorized for the completion of works required for Conditional Water Licence 26870 to December 31, 1968.

**Aug 17, 1971** The Department of Indian Affairs sent a letter to the District Engineer, Dept. Lands, Forests and Water Resources indicating that they wished to abandon Conditional Water Licence 26870 on Solitaire Lake.

**Mar 9, 1972** Osoyoos Band Council indicated that they were reluctant to abandon Conditional Water Licence 26870.

**Current Status:**

Conditional Licence 26870, held by the Osoyoos Band, is the only active licence held on Solitaire Lake.

Water Survey of Canada has no records of streamflow on Solitaire Lake and there is no other current information on water availability.

**Notes:**

The allocation made by the Indian Reserve Commission could apply to Solitaire Lake.

## Tugulnuit Lake

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Aug 1, 1961** The Comptroller of Water Rights issued Conditional Water Licence 26616 to the Director of Indian Affairs of Ottawa on behalf of the Osoyoos Band. The licence was given date of precedence of February 7, 1961 and authorizes the diversion 224 acre feet of water per annum from Tugulnuit Lake. The water is authorized for use from April 1 to September 30 for irrigation purposes on 56 acres of the northerly portion of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Dec 15, 1967** The Comptroller of Water Rights issued Final Water Licence 20238, in substitution of Conditional Water Licence 26616, to the Director of Indian Affairs of Ottawa on behalf of the Osoyoos Band. The licence has a date of precedence of February 7, 1961 and authorizes the diversion 191.2 acre feet of water per annum from Tugulnuit Lakes. The water is to be used between April 1 and September 30 for irrigation purposes on 47.8 acres of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Sept 20, 1994** The Osoyoos Band phoned in response to an inquiry by Water Licence Administration regarding the lease holder of Final Water Licence 20238 of Osoyoos Reserve No. 1. The lessee of the parcel in question was reported as Cherry Grove Golf and Country Club.

**Current Status:**

There are currently 21 licences reported on Tugulnuit Lake. Of these licences;

- 1 authorizes the use of water for domestic purposes at 500 gallons per day.
- 18 authorizes the use of water for irrigation purposes, licensing volumes ranging from .68 to 191.20 acre feet.
- 1 authorizes the use of water for land improvement purposes at 3,600,000 gallons a day.
- 1 authorizes the use of water for irrigation by a local authority at 1.56 acre feet.

Final Licence 20238, which is nineteenth in priority, is held by the Osoyoos Band. The appurtenant lands are currently leased to the Cherry Grove and Country Golf Club.

Water Survey of Canada has no records of streamflow of Tugulnuit Lake and there is no current information on water availability.

**Notes:**

The allocation made by the Indian Reserve Commission could apply to Tugulnuit Lake.

## Wolf Cub Creek

**History:**

**May 13, 1878** A Minute of Decision recognized the Osoyoos Band:

> *"As the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation or other purposes, from all the water sources or streams, within or flowing through or touching their reserve, is so far as the Commissioners have authority in the matter declared and confirmed to them."*

**Nov 21, 1897** The Minute of Decision of the Indian Reserve Commission, allotted to the Osoyoos Band:

> *"whatever water they require for irrigation or other purposes from all available, sources of water supply subject however, so far as the extension of their reserve, to any legal rights to irrigation water acquired by other persons before the date of the decision of the Reserve Commission as to the Osoyoos Reserve."*

**Dec 10, 1922** At the Final Hearing of the Board of Investigation, acting pursuant to the Water Act of 1914, the Board determined that a valid water record affecting the claim of the Department of Indian Affairs' to rights to the use of the water's of Wolf Cub Creek, was made under the authority of an Act passed prior to the 12th day of March, 1909. The Order of the Board numbered 1934, set out that a conditional licence should be issued which would:

(i) provide for the diversion of water from Wolf Cub Creek;
(ii) take precedence from the 1st day of February, 1897; and

(iii) authorize the diversion of a maximum of 672 acre feet of water per year for irrigation purposes and 15,000 gallons a day, throughout the whole year, for domestic purposes.

**Dec 10, 1922** The Comptroller of Water Rights issued Conditional Water Licence 6694, which embodied the terms and conditions set out in Board Order 1934.

**Aug 20, 1936** The Comptroller of Water Rights issued Final Water Licence 9761 in substitution of Conditional Water Licence 6694 to the Superintendent-General of Indian Affairs of Ottawa on behalf of the Osoyoos Band. The licence has a date of precedence of February 1, 1897 and authorizes the diversion 672 acre feet per annum from Wolf Club Creek. Of this quantity 4,000 gallons a day are authorized for domestic application. The water is to be used between April 1 and Sept. 30 on 224 acres of the northern portion of Osoyoos Reserve No. 1, Similkameen Division of Yale District.

**Current Status:**

The Osoyoos Band holds Final Water Licence 9761, the only active licence on Wolf Cub Creek.

Water Survey of Canada records of streamflow of Wolf Cub Creek are incomplete and there is no current information on water availability.

**Notes:**

1. The allocation made by the Indian Reserve Commission could apply to Wolf Cub Creek.

2. Under current licensing practices Final Water Licence 9761 would be issued for irrigation and waterworks purposes. The amendment of this licence to include waterworks purposes could lead to designation of the Wolf Cub Creek drainage system as a Community Watershed under provisions included in the Forest Practices Code.

# OTHER INFORMATION:

## 1. Additional Water Records:

The *Schedule of Indian Reserves in the Dominion*, 1913, is a document published by the federal government, recording each Band's water allocations up to 1913. It is believed that these records are a compilation of Minute of Decisions, Order-in-Councils, and perhaps other documents; however, as original copies of these documents are unavailable, the dates and information contained in them cannot be verified.

In addition to the previous allocations discussed in this report, the *Schedule of Indian Reserves in the Dominion* shows the following allotments which appear to be for the benefit of the Osoyoos Band. The schedule records show:

| Reserve | Water Allocation |
|---|---|
| Osoyoos Reserve No. 1 | *"50 inches of water recorded from A-tsi-hlak creek; 100 inches from Wolf creek and 300 inches from Grogoire creek."*<br><br>Board Order 1934 stated that valid water records were made prior to March 12th, 1909 on Atsiklak Creek and Wolf Creek. The Band was granted 336 acre feet (50.42 inches) of water a year from Atsiklak Creek and 672 acre feet (100.84 inches) from Wolf Creek. Board Order 1903 stated that a valid water record was made prior to March 12th, 1909 on Inkaneep Creek and the Band was granted 2016 acre feet (302 inches). |

## 2. Alternate Water Sources

**Groundwater Records:**

A review of the records maintained by the MELP Groundwater Section found that sixteen wells have been reported on Osoyoos Reserve No. 1. The wells are reported to yield between 5 and 72 gallons of water per minute. The extent to which these wells are utilized at this time is unknown. Further details have been appendicized to the report.

As provision of well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

**Municipal Water Sources:**

The proximity of the Osoyoos reserves to the Towns of Osoyoos and Oliver, both on the opposite bank of Osoyoos Lake in relation to the reserve, presents the potential for water supply via the connection to a municipal water system. Currently, the Town of Osoyoos obtains 30 percent of its water for waterworks purposes from groundwater sources and the remaining water from Osoyoos Lake. 1995 calculations indicate that Town of Osoyoos was using water over the amount authorized under licence, however, this should not effect the availability of water. Presently, the lake is a plentiful source of water, however, additional licensing may be required.

# ATTACHMENT 1

## Summary of Water Rights Record

## Osoyoos

| Water Source | Priority Date | Reserve Name | File No. | Document Type | Status | Superceded By | Licence PUC/MOD & OIC Allotments | Comments |
|---|---|---|---|---|---|---|---|---|
| *"All the water sources or streams, within or flowing through or touching their reserve ... "* | 1878/05/13 | Osoyoos #1<br>Osoyoos #3 | | MOD | Revised: 1897 | | *"all the water they require/may require"* (AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| *"all avaliable sources of water supply, so far as the extension of their reserve"* | 1897/11/21 | Osoyoos #1<br>Osoyoos #3 | | MOD | | | *"whatever water they require for irrigation or other purposes"* (AGBC #590453) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Atsiklak Springs<br>Atsiklak Creek | 1897/01/30 | Osoyoos #1 | 1937 | CL 6693 | Superceded | FL 9760 | 1000 GAD/Domestic<br>336 AF/Irrigation | CL 6693:<br>Formally recognized allotments from *Indian Reserve Commission* .<br>Embodied terms set out in *Board Order 1937* . |
| Atsiklak Springs<br>Atsiklak Creek | 1897/01/30 | Osoyoos #1 | 25-17-1 | FL 9760 | Current | | 1000 GAD/Domestic<br>90 AF/Irrigation | |
| Inkaneep Creek | 1897/02/01 | Osoyoos #1 | 1903 | CL 6690 | Current | | 15000 GAD/Domestic<br>2016 AF/Irrigation | CL 6690:<br>Formally recognized allotments from *Indian Reserve Commission* .<br>Embodied terms set out in *Board Order 1903* . |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Inkaneep Creek | 1968/03/01 | Osoyoos #1 | 277677 | CL 35629 | Current | | 200 AF/Irrigation | |
| Inkaneep Creek | 1968/03/01 | Osoyoos #1 | 277677 | CL 35630 | Current | | 200 AF/Storage (in support of CL 35629) | |
| Okanagan River | 1878/05/13 | Osoyoos #1<br>Osoyoos #3 | | MOD | Revised: 1897 | | *"all the water they require/may require"* (AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Okanagan River | 1897/11/21 | Osoyoos #1<br>Osoyoos #3 | | MOD | | | *"whatever water they require for irrigation or other purposes"* (AGBC #590453) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Okanagan River | 10/14/83 | Osoyoos #1 | 8000266 | CL 59415 | Current | | 1656 AF/Irrigation | CL 59415: *Priority 57* on the Okanagan River. |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Osoyoos Lake | 1878/05/13 | Osoyoos #1<br>Osoyoos #3 | | MOD | Revised:<br>1897 | | *"all the water they require/may require"*<br>(AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Osoyoos Lake | 1897/11/21 | Osoyoos #1<br>Osoyoos #3 | | MOD | | | *"whatever water they require for irrigation or other purposes"*<br>(AGBC #590453) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Osoyoos Lake | 1971/02/11 | Osoyoos #1 | 300769 | CL 38683 | Current | | 120 AF/Irrigation | CL 38683:<br>*Priority 72* on Osoyoos Lake. |
| Rancher Creek | 1878/05/13 | Osoyoos #1<br>Osoyoos #3 | | MOD | Revised:<br>1897 | | *"all the water they require/may require"*<br>(AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Rancher Creek | 1897/11/21 | Osoyoos #1<br>Osoyoos #3 | | MOD | | | *"whatever water they require for irrigation or other purposes"*<br>(AGBC #590453) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Rancher Creek | 1969/07/29 | Osoyoos #1 | 290066 | CL 35795 | Current | | 10,000 GAD/Waterworks | CL 35795: Qualifies the Rancher Creek drainage system for *"Community Watershed"* designation under the Forest Practices Code. |
| Solitaire Lake | 1878/05/13 | Osoyoos #1 Osoyoos #3 | | MOD | Revised: 1897 | | *"all the water they require/may require"* (AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Solitaire Lake | 1897/11/21 | Osoyoos #1 Osoyoos #3 | | MOD | | | *"whatever water they require for irrigation or other purposes"* (AGBC #590453) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Solitaire Lake | 1961/07/10 | Osoyoos #1 | 237452 | CL 26870 | Current | | 200 AF/Irrigation | |
| Tugulnuit Lake | 1878/05/13 | Osoyoos #1 Osoyoos #3 | | MOD | Revised: 1897 | | *"all the water they require/may require"* (AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Tugulnuit Lake | 1878/05/13 | Osoyoos #1<br>Osoyoos #3 | | MOD | Revised: 1897 | | *"all the water they require/may require"* (AGBC #590452) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Tugulnuit Lake | 1897/11/21 | Osoyoos #1<br>Osoyoos #3 | | MOD | | | *"whatever water they require for irrigation or other purposes"* (AGBC #590453) | Water allotments made by the *Indian Reserve Commission* have not been formally recognized by the Province. |
| Tugulnuit Lake | 1961/02/07 | Osoyoos #1 | 234968 | CL 26616 | Superceded | FL 20238 | 224 AF/Irrigation | |
| Tugulnuit Lake | 1961/02/07 | Osoyoos #1 | 234968 | FL 20238 | Current | | 191.2 AF/Irrigation | FL 20238:<br>Currently leased to *Cherry Grove Golf and Country Club*. *Priority 19* on Tugulnuit Lake. |
| Tugulnuit Lake | 1965/12/23 | Osoyoos #1 | 31930 | CL 31930 | Abandoned | | 260 AF/Irrigation | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Wolf Cub Creek | 1897/02/01 | Osoyoos #1 | 1934 | CL 6694 | Superceded | FL 9761 | 15,000 GAD/Domestic<br>672 AF/Irrigation | CL 6694:<br>Formally recognized allotments from *Indian Reserve Commission*.<br>Embodied terms set out in *Board Order 1934*. |
| Wolf Cub Creek | 1897/02/01 | Osoyoos #1 | 241124 | FL 9761 | Current | | 4000 GAD/Domestic<br>672 AF/Irrigation | FL 9761:<br>Qualifies the Wolf Cub Creek drainage system for *"Community Watershed"* designation under the Forest Practices Code (if ammended to irrigation and waterworks purposes). |

**LEGEND:**

**License Types (Document Types)**
CL: Conditional License
FL: Final License
Z: Application

**Mechanisms for Allocation (Document Type)**
OIC: Order-in-Council (as issued by the Lieutenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

**Allotment Units**
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

# ATTACHMENT 2

AGBC 590152

155
79 1081

# Indian Reserve Commission

## Fraser Superintendency

1877

(May 13 '78 to Dec)

## Minute of Decisions

In virtue of Com[redacted] instructions issued by the Governments of Canada and British Columbia empowering us to fix and determine the number, extent, and locality of the Reserve or Reserves to be allowed to the Indians of British Columbia, We the undersigned having in such case made full enquiry on the spot

met

rate all matters affecting the questions

Hereby declare the following to

be the Reserves for the undermentioned

Indian tribes respectively.

The date of our decision in each

case is stated in the following pages

## North Thompson River

## and Canoe Lake

North Thompson and Canoe Lake

Indians, which tribes agree to take

reserves in common

1320 1/2 A Reserve situated upon the

North Thompson River, bounded

as follows, viz. On the south

by a

Wm Cornwall Chief Inspector

## Oswegatchie

All the unsurveyed land in Township No. 5 and 6 lying east of the Okonagan River and Oswegatchie Lake, also a strip bounded on the south west by Oswegatchie Lake, on the north east by the mountains, on the north west by the southern boundary of Township No. 5 and on the south east by Mr. Kingsford's pre-emption

Also a fishing station at the foot of Hog Lake, about twenty chains wide, extending from the foot of the lake so as to include both sides of the Okonagan River so far south as the

on the east, the southern boundary of Mr Keagan's pre-emption claim.

The first right of these Indians on the above mentioned reserve of the soil, be all the water which they require or may require for irrigation or other purposes, from all the water courses or streams, within or flowing through, or touching their reserves, viz, so far as the Commissioners have authority in the matter, declared and confirmed thereon.

Note. It is understood that as the Indians reserved a strong desire to have a more extended frontage on the Okanagan River, the Indian Reserve Commissioner on delineating next re-

1.

to Congress from time to time any alter-
the above decisions, of things found it
possible to effect this object, but
such alterations must be made with the
full consent of the Parties

Okanagan.

In this case the Indians had urged the Reserve Commission in 1877 to amend their decision by allowing for their use a more extended frontage, alleging that the Hayes had been permitted to acquire their land, which did not extend so far back as the Okanagan River near the head of Okanagan Lake.

On the other hand Mr. J. C. Haynes and Laing submitted a request to the Reserve Commission that their decision should be amended to ask leave open for purchase a more extended frontage on the east side of the Okanagan River.

After considering carefully the history, circumstances and requirements of the whole case I decided that neither the request of the Indians, nor that of Messrs. Haynes and Laing could be granted, and I formally ratified the Indians to this effect, and Mr. J. C. Haynes also for Messrs. Haynes and Laing.

The Okanagan Reserve is to be as follows. All the Vacant land in Township Lots 44 and 44. lying East of the Okanagan River and Okanagan Lake, also a strip bounded on the Southward by Okanagan Lake, on the

Decision of Mr. Commissioner Rennie, 1879.

North east by the Boundaries on the Northwest by the Southern boundary of Township LI. and on the South West by the Rogue's River Reservation.

Also a fishing station at the foot of Big Salt about 20 Chains square, extending from the foot of Big Salt, so as to include both sides of the Entrance to the Creek — the Northern boundary of the Rogue's River Reservation.

These Indians are to have certain water Privileges in addition to other provisions made from all available sources of Subsistence, subject however, before the Ratification of these Treaties is Concerned, to any legal rights to irrigation which may be acquired by citizens before the date of the decision of the Reference Commissioner as to the Entries Thereon.

Gilbert Malcolm Sproat
Commissioner

# ATTACHMENT 3

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

## CONDITIONAL WATER LICENCE.

(For a n Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 1903, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to that part of Osoyoos Indian Reserve (No.1 Osoyoos) shown shaded on the Exhibit marked "A" hereto attached.

Made and entered this 10th day of December, 1922.

E. A. Cleveland

*Comptroller of Water Rights.*

No. 3690

Form No. 1006, W.R.B. (Licence in respect of Board Order)—1,300-12-21—3397.

Copy for Comptroller

PROVINCE OF BRITISH COLUMBIA

# WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

## DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES.)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters of Incameep Creek, a tributary of Osoyoos Lake, in the neighbourhood of Fairview, in the Fairview Water District.

NOW, on the 21st day of July, 1921, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 27-17-1) that a valid water record affecting the said claim was made under the authority of an Act passed prior to the 12th day of March, 1909, and that, under the said water record, the Osoyoos tribe or band of Indians was granted a right to take and use water from Incameep Creek, a tributary of Osoyoos Lake, for irrigation and domestic purposes on the Osoyoos Indian Reserve, being Reserve No.1 of the said tribe or band.

Form 338, W.R.B.—2,000-12-21

Order No. 1903.

Copy for Comptroller

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a*.) The sources of the water supply is Incameep Creek, a tributary of Osoyoos Lake.

(*b*.) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c*.) The date ~~on~~ from which the said licence shall take precedence is 1st February, 1897.

(*d*.) The purpose for which the water is to be used is irrigation.

(*e*.) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is two thousand & sixteen (2016) acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is three (3) acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f*.) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g*.) The water may be used on the Osoyoos Indian Reserve (No.1 Osoyoos) of which six hundred and seventy-two (672) acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h*.) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i*.) The execution of the said works shall be commenced or resumed on or before the first day of June, 1923, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j*.) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930.

(*k*.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

Order No. 1903.

Copy for Comptroller

(*l.*) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 15,000 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ---------- acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ---------- and it may be stored (accumulated) in a reservoir at ---------- between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(*m.*) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(*n.*) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

.....

.....

.....

.....

.....

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 10th day of December, 1922.

THE BOARD OF INVESTIGATION.

By J.S.T.Alexander, Member.

and J.B.Lane, *Member.*

ENTD.
Map No. 1500 & 02
By BMW

Form 287.—W.R.B.—2,000-12-20.

Order No. 1903.

Copy for Comptroller

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES
WATER RESOURCES SERVICE
WATER RIGHTS BRANCH
VICTORIA, B.C.

# ORDER

## WATER ACT

Section 15

FILE NO. 0241125

In the matter of Conditional Water Licence No. 6690, Incameep Creek, which authorizes the diversion of 2,016 acre feet per annum of water for irrigation purpose, of which quantity 15,000 gallons a day may be used for domestic purpose.

Being satisfied that no person's rights will be injuriously affected, I hereby authorize the relocation of the point of diversion and the construction of a ditch, pump, pipe and sprinklers, the approximate location of which is shown on the attached amended plan, in lieu of the works previously authorized.

The construction of the said works has been commenced and shall be completed and the water put to beneficial use on or before the 31st day of December, 1968.

Further to the above, having been advised that the name of the source has been officially changed, I hereby amend Clause (a) of Conditional Water Licence No. 6690 to read as follows:

(a) The source of the water supply is Inkaneep Creek.

Dated at Victoria, B.C., this 6th day of July, 1965.

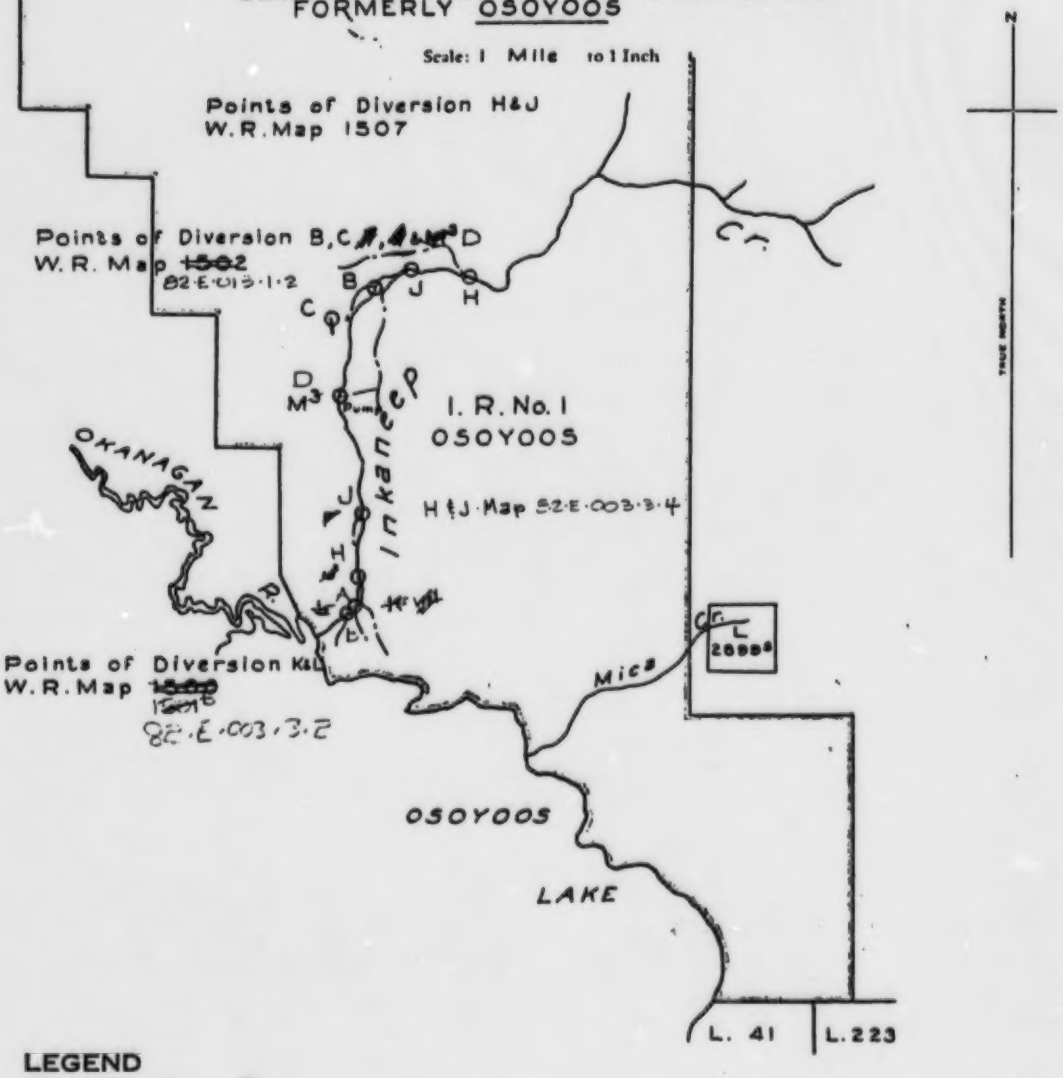
H.D. DeBeck,
Comptroller of Water Rights.

6

# British Columbia

## FAIRVIEW WATER DISTRICT

### SIMILKAMEEN DIVISION OF YALE DISTRICT
FORMERLY OSOYOOS




**LEGEND**

Point of Diversion O

Pipe & Ditch ——·——

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬▬

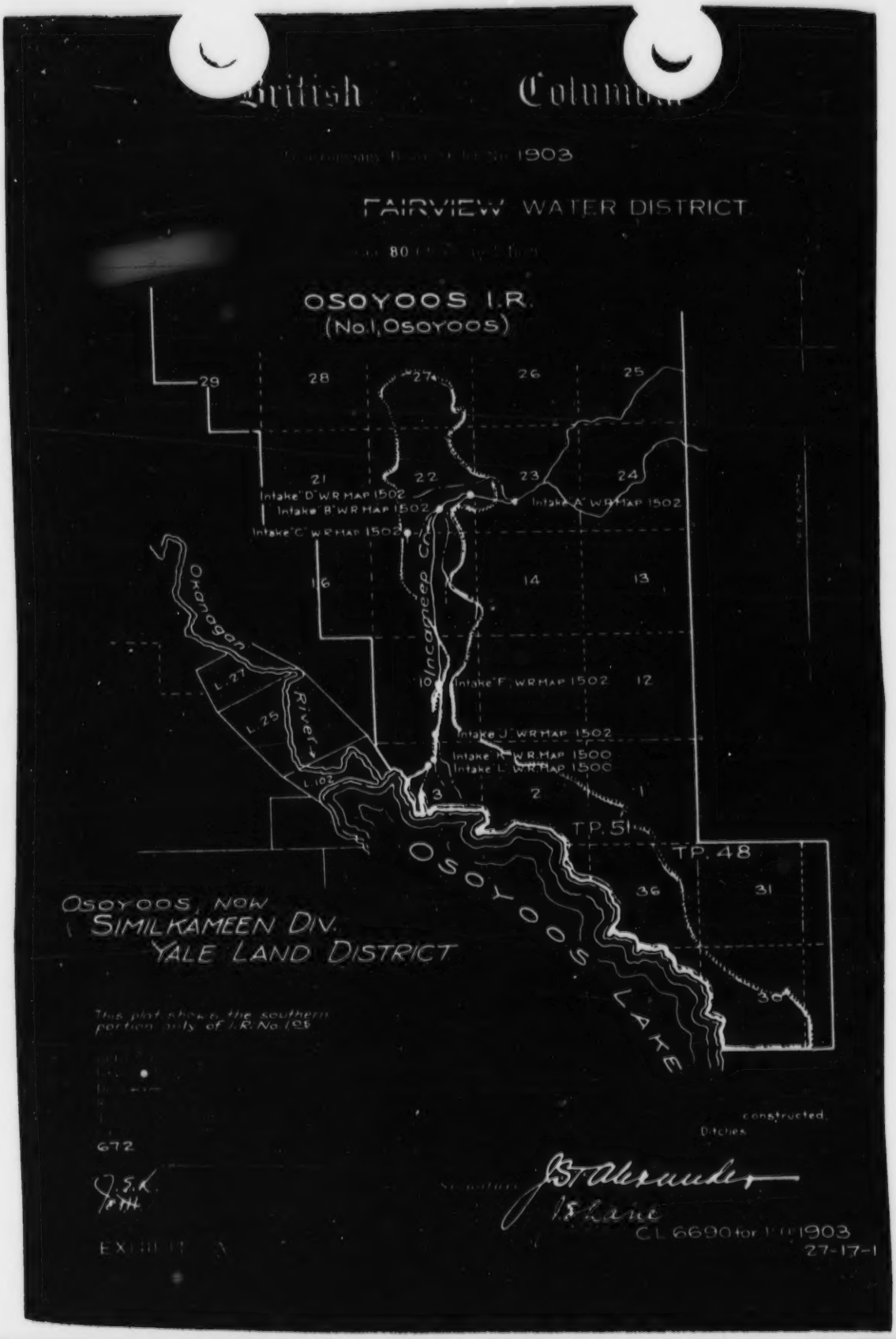
**EXHIBIT "A"**

Signature

Date 6, July, 1965

Amended C.L. 6690

File 0241125


British Columbia
1903
FAIRVIEW WATER DISTRICT
OSOYOOS I.R.
(No.1, Osoyoos)
29
28
27
26
25
21
22
23
24
Intake "D" W.R. MAP 1502
Intake "B" W.R. MAP 1502
Intake "C" W.R. MAP 1502
Intake "A" W.R. MAP 1502
16
14
13
Okanogan
Incomeep Cr.
10
Intake "F" W.R. MAP 1502
12
L.27
L.25
River
L.102
Intake "J" W.R. MAP 1502
Intake "K" W.R. MAP 1500
Intake "L" W.R. MAP 1500
3
2
1
T.P. 51
T.P. 48
OSOYOOS LAKE
36
31
30
OSOYOOS, NOW
SIMILKAMEEN DIV.
YALE LAND DISTRICT
This plat shows the southern portion only of I.R. No. 1
constructed.
Ditches
672
J. S. K.
10TH.
EXHIBIT "A"
J. S. Alexander
Blaine
C.L. 6690 for 1903
27-17-1

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

## CONDITIONAL WATER LICENCE.

(For an Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 1937, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to that part of Osoyoos Indian Reserve (No.1 Osoyoos) shown shaded on the Exhibit marked "A" hereto attached.

Superseded by Final Licence 9760

Made and entered this 10th day of December, 1922.

E. A. Cleveland

*Comptroller of Water Rights.*

No. 3693.

Form No. 1008, W.R.B. (Licence in respect of Board Order)—1,500-12-21—5397.

Copy for Comptroller

PROVINCE OF BRITISH COLUMBIA

# WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

## DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters of A-tsi-klak Springs and Creek, tributaries of Okanagan River, in the neighbourhood of Oliver, B.C., in the Fairview Water District.

NOW, on the 21st day of July, 1921, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 25-17-1) that a valid water record affecting the said claim was made under the authority of an Act passed prior to the 12th day of March, 1909, and that, under the said water record, the Osoyoos tribe or band of Indians was granted a right to take and use water from A-tsi-klak Springs and Creek, tributaries of Okanagan River, for irrigation and domestic purposes on the Osoyoos Indian Reserve, being Reserve No.1 of the said tribe or band.

Form 352, W.R.B.—2,500-12-20.

Order No. 1937...

Copy for Comptroller

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a*.) The sources of the water supply are A-tsi-klak Springs and Creek, tributaries of Okanagan River.

(*b*.) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c*.) The date ~~from~~ which the said licence shall take precedence is 30th January, 1897.

(*d*.) The purpose for which the water is to be used is irrigation.

(*e*.) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is three hundred & thirty-six (336) acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is three (3) acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f*.) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g*.) The water may be used on the Osoyoos Indian Reserve (No. 1 Osoyoos) of which one hundred and twelve (112) acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h*.) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i*.) The execution of the said works shall be commenced or resumed on or before the first day of June, 1923, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j*.) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930.

(*k*.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

Order No. 1937.

Copy for Comptroller

(*l.*) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 1,000 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ~~~~~ acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ~~~~~ and it may be stored (accumulated) in a reservoir at ~~~~~ between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(*m.*) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(*n.*) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

.....

.....

.....

.....

.....

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 10th day of December, 1922.

THE BOARD OF INVESTIGATION.

By J.B.T.Alexander, Member.

and J.E.Lane, Member.

ENTERED ON Map No. Cal.Map 7 By ..... (C-4)

Form 347, W.S.R.—2,000-19-22.

Order No. 1937.

Copy for Comptroller

This plat shows the northern portion only of I R No 1

OSOYOOS, NOW
SIMILKAMEEN DIV.
YALE LAND DISTRICT

constructed
Ditches

112

C L 6693 for 937

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

## CONDITIONAL WATER LICENCE.

(For an Irrigation Purpose.)

WHEREAS the Board of Investigation, constituted and acting under the "Water Act, 1914," duly held an investigation respecting the water set out in the order No. 1934, a duplicate of which is hereto attached, and in the said order directed the Comptroller of Water Rights to issue a conditional licence in respect of the particular record and claim respectively set out therein, and further therein named the terms and conditions to be embodied in the said licence:

NOW, THEREFORE, I, Comptroller of Water Rights of the Province of British Columbia, in pursuance of the said order and in conformity with the "Water Act, 1914," issue this conditional licence, and declare the rights in and to the use of the said waters held under the said record in respect of the said claim to be such as are set out in the said order; and the terms and conditions of the said order and any exhibits which are therewith incorporated are hereby incorporated herewith and form a part hereof. This licence is appurtenant to that part of Osoyoos Indian Reserve (No.1 Osoyoos) shown shaded on the Exhibit marked "A" hereto attached.

Superseded by Final Licence 9161

Made and entered this 14 day of December, 1922.

E. A. Cleveland

*Comptroller of Water Rights.*

No. 3694

Form No. 1006, W.R.B. (Licence in respect of Board Order)—1,500-12-21—3397.

Copy for Comptroller

PROVINCE OF BRITISH COLUMBIA. **WATER RIGHTS BRANCH.** DEPARTMENT OF LANDS.

# DETERMINATION AND ORDER.

(FOR A CONDITIONAL WATER LICENCE FOR IRRIGATION PURPOSES.)

BY THE BOARD OF INVESTIGATION
UNDER THE "WATER ACT, 1914."

In the Matter of the Claims of the Department of Indian Affairs to Rights to the Use of the Waters of Wolf Creek, a tributary of Okanagan River, in the neighbourhood of Oliver, B.C., in the Fairview Water District.

NOW, on the 21st day of July, 1921, the above-entitled matter coming on regularly for final hearing before the Board of Investigation; due notice having been given of the time and place of hearing; all and every the steps required under the Act to be taken by the Board before a determination of the said rights and claims should be made having been taken; all evidence, testimony, and proofs filed with the Board or presented in the above-entitled matter having been duly considered; a quorum of the Board being present at the hearing; and the Board being now fully advised in the premises, determines with respect to the said claims (which are on file and designated as Indian File No. 26-17-1) that a valid water record affecting the said claim was made under the authority of an Act passed prior to the 12th day of March, 1909, and that, under the said water record, the Osoyoos tribe or Band of Indians was granted a right to take and use water from Wolf Creek, a tributary of Okanagan River, for irrigation and domestic purposes on the Osoyoos Indian Reserve, being Reserve No.1 of the said tribe or band.



Copy for Comptroller

2. The claims of the Department of Indian affairs with respect to the said waters are allowed by the Board to the extent hereinafter specified, and the Comptroller of Water Rights is hereby directed to issue a conditional licence in respect thereof embodying the following terms and conditions:—

(*a*.) The sources of the water supply is Wolf Creek, a tributary of Okanagan River.

(*b*.) The points of diversion from the said sources are located as shown in the exhibit marked "A" hereto attached, which is incorporated herewith and made a part hereof, the original of which exhibit is on file in the office of the Comptroller of Water Rights, Parliament Buildings, Victoria, B.C.

(*c*.) The date from which the said licence shall take precedence is 1st February, 1897.

(*d*.) The purpose for which the water is to be used is irrigation.

(*e*.) The maximum quantity of water per annum which may be used when irrigation is extended to all the lands mentioned in subclause (*g*) of this clause, until lawfully altered, is six hundred & seventy-two (672) acre-feet, and the maximum quantity of water which may be used per annum on each acre actually irrigated until lawfully altered is three (3) acre-feet: Provided that where sources of supply other than those named in subclause (*a*) hereof are drawn upon for the irrigation of a part or all of the same lands as are described in subclause (*g*) hereof, the maximum quantity of water which may be used under the licence hereby directed to be issued shall be reduced by the quantity which the licensee may be entitled to use from said other sources of supply: Provided further that when the Engineer of the Water District has accumulated the requisite hydrographic data for determining to the satisfaction of the Comptroller the *pro rata* part of the said total quantity to be apportioned to the licence hereby directed to be issued, the Comptroller shall require the surrender of the licence, and shall amend the same by stating the particular quantity to which the licensee is entitled from the particular sources named therein.

(*f*.) The period of the year during which the water may be used is between the first day of April and the thirtieth day of September.

(*g*.) The water may be used on the Osoyoos Indian Reserve (No.1 Osoyoos) of which two hundred and twenty-four (224) acres are said to be irrigable. The extent and location of the said irrigable lands are more particularly shown in the said Exhibit "A."

(*h*.) The works which are required to be constructed before the issue of a final licence are the clearing, stumping, and levelling of the irrigable lands on the said reserve and the additional works required for conducting thereto the maximum quantity of water hereby authorized to be diverted.

(*i*.) The execution of the said works shall be commenced or resumed on or before the first day of June, 1923, and shall be prosecuted with due diligence and in a workmanlike manner and to the satisfaction of the Comptroller of Water Rights.

(*j*.) The said works shall be completed and the quantity of water to which the licensee is entitled beneficially used for the purpose set out in the licence on or before the first day of November, 1930.

(*k*.) Before any change is made in the said works which would be a material deviation from the plans as approved or the works as accepted by the Comptroller, plans of such proposed change must be filed with the Comptroller and approved by him.

Order No. 1934.

Copy for Comptroller

(*l.*) The nature and the extent of the incidental uses permitted under the licence are: For domestic purposes, the use of 15,000 gallons a day of water from any or all the said sources of supply during the whole of the year; and for storage purpose, such quantity of water (not exceeding ---------- acre-feet) as, together with the natural flow-water used hereunder, will be necessary to secure to the licensee the quantity granted hereunder. The water which may be so stored shall be that of ---------- and it may be stored (accumulated) in a reservoir at ----------

---------- between the first day of October in each year and the first day of June in the succeeding year, and may be used as provided for in subclauses (*d*), (*e*), and (*f*) of this clause, but such uses shall not enlarge the quantity of water allowed by subclause (*e*) hereof.

(*m.*) The Board may extend the time for the commencement, resumption, or completion of the execution of the works on being satisfied that it is in the public interest and that it will not injuriously affect the rights of any licensee.

(*n.*) The licence shall not in any way be deemed to be a final licence for the use of water, but shall have the effect only of a conditional licence issued under Part V. of the "Water Act, 1914," and shall be subject to all the provisions of the said Act, including the filing of proof of the completion of the said works and the putting of the water to such beneficial use within the time limited by the provisions of section 117 of the said Act.

.....

.....

.....

.....

.....

3. Pending the issue of the licence hereby authorized to be issued, the terms and conditions of this order shall govern the respective rights of the record-holders or claimants affected thereby.

Made and entered this 10th day of December, 1922.

THE BOARD OF INVESTIGATION.

By J. S. T. Alexander, Member.

and J. E. Lane, *Member.*

Map No. Ref. Map 1 B (C-4)
By [illegible] 4 15 02 + '07

Form 337, W.R.B.—2,000-12-20.

Order No. 1934.

Copy for Comptroller

# British Columbia

To accompany Board Order No. 1934

## FAIRVIEW WATER DISTRICT.

Scale, 80 Chains to 1 Inch.

OSOYOOS, NOW. SIMILKAMEEN DIV. YALE LAND DIST.

This plat shows the northern portion only of I.R. No. 1.

**LEGEND**

Intake ●

Ditch —·—

Road .....

The boundaries of the land to which this licence is appurtenant are shown shaded.

224 acres within the said boundaries are claimed to be irrigable.

Description of Works constructed.
Ditches

Signature J.S. Alexander
J.E. Hanes

C.L. 6694 for B.O. 1934
File 26-17-1

EXHIBIT "A"

Ref. Map 7B (D-5)

W.R.B. 13—6

PROVINCE OF BRITISH COLUMBIA

# Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

## CONDITIONAL WATER LICENCE

Director of Indian Affairs of Ottawa, Ontario.

is/are hereby authorized to divert and use water as follows:—

(a) The source (s) of the water-supply is/are Tugulnuit Lake.

(b) The point (s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 7th February, 1961.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 224 acre feet per annum, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is the northerly portion of Osoyoos Indian Reserve No.1, Similkameen Division of Yale District, of which 56 acres may be irrigated.

(h) The works authorized to be constructed are pump, pipe and sprinkler system, and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of January, 1962, and shall be completed and the water beneficially used on or before the 31st day of December, 1964.

1503 B
R.M.

Superseded by
Final Licence 20238

A. [illegible],
Comptroller of Water Rights.

File No. 0234968 Date issued 1st August, 1961 Licence No. 26616

British Columbia

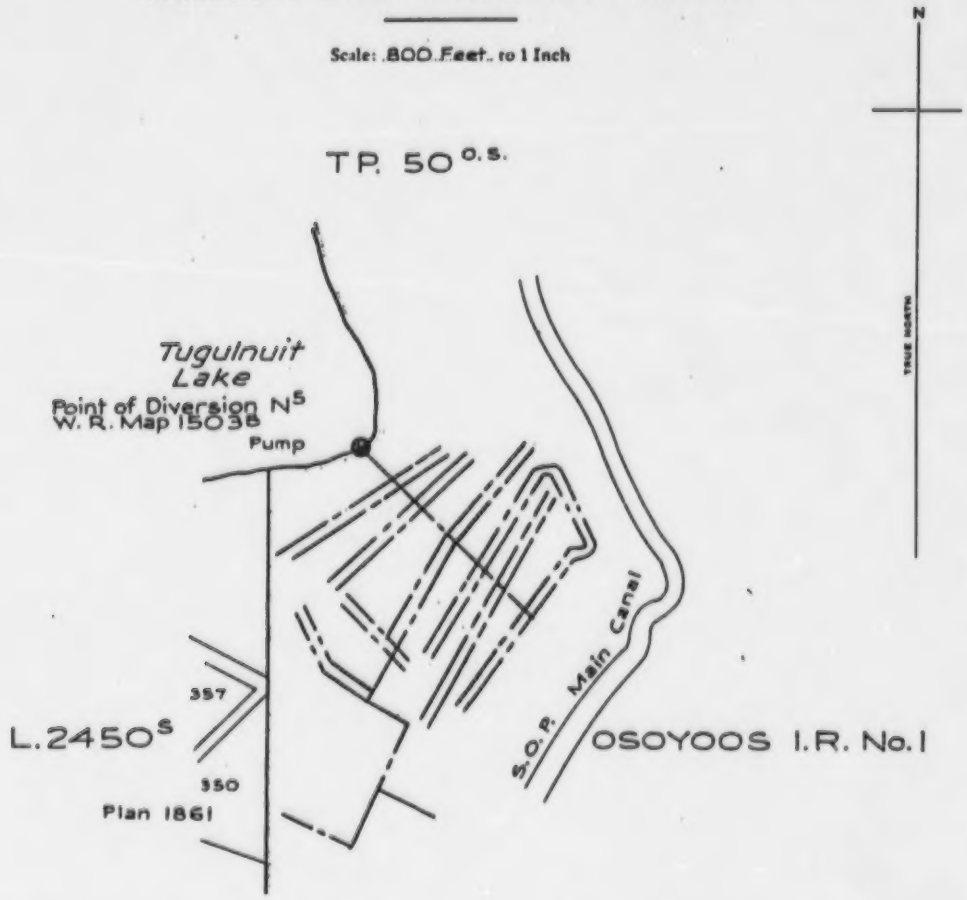
9

# FAIRVIEW WATER DISTRICT

## SIMILKAMEEN DIVISION OF YALE LAND DISTRICT

## KAMLOOPS LAND REGISTRATION DISTRICT

Scale: 800 Feet to 1 Inch




**LEGEND**

Point of Diversion ●

Pipe — · —

The boundaries of the land to which this licence is appurtenant are shown thus: ——————

**EXHIBIT "A"**

Signature [signature]

Date 14 Aug. 1961.

CL 26616

File 0234968

W.R.B. 13—6

PROVINCE OF BRITISH COLUMBIA

# Water Rights Branch

DEPARTMENT OF LANDS AND FORESTS

## CONDITIONAL WATER LICENCE

Director of Indian Affairs of Ottawa, Ontario,

is/are hereby authorized to divert and use water as follows:—

(a) The source (s) of the water-supply is/are Solitaire Lake.

(b) The point (s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 10th July, 1961.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 200 acre feet per annum, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve No.1 Osoyoos, Similkameen Division of Yale District, of which 50 acres may be irrigated.

(h) The works authorized to be constructed are pump, pipe and sprinkler system, and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of July, 1962, and shall be completed and the water beneficially used on or before the 31st day of December, 1964.

ENTERED ON Map No. 1504D R.M.

A. H. Brant,
Comptroller of Water Rights.

File No. 0237452 Date issued 3rd January, 1962. Licence No. 26870

WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

# O R D E R

## W A T E R  A C T

Section 15

FILE NO. 0237452

The provisions of the B. C. Water Act having been complied with and being satisfied that no person's rights will be affected, I hereby extend the time for the completion of the works and for making beneficial use of the water authorized under Conditional Water Licence No. 26870 , Solitaire Lake

to the 31st day of December, 1968

A. K. Sutherland,

Deputy Comptroller of Water Rights.

DATED at Victoria, B. C.,

this 21st day of July , 1966.

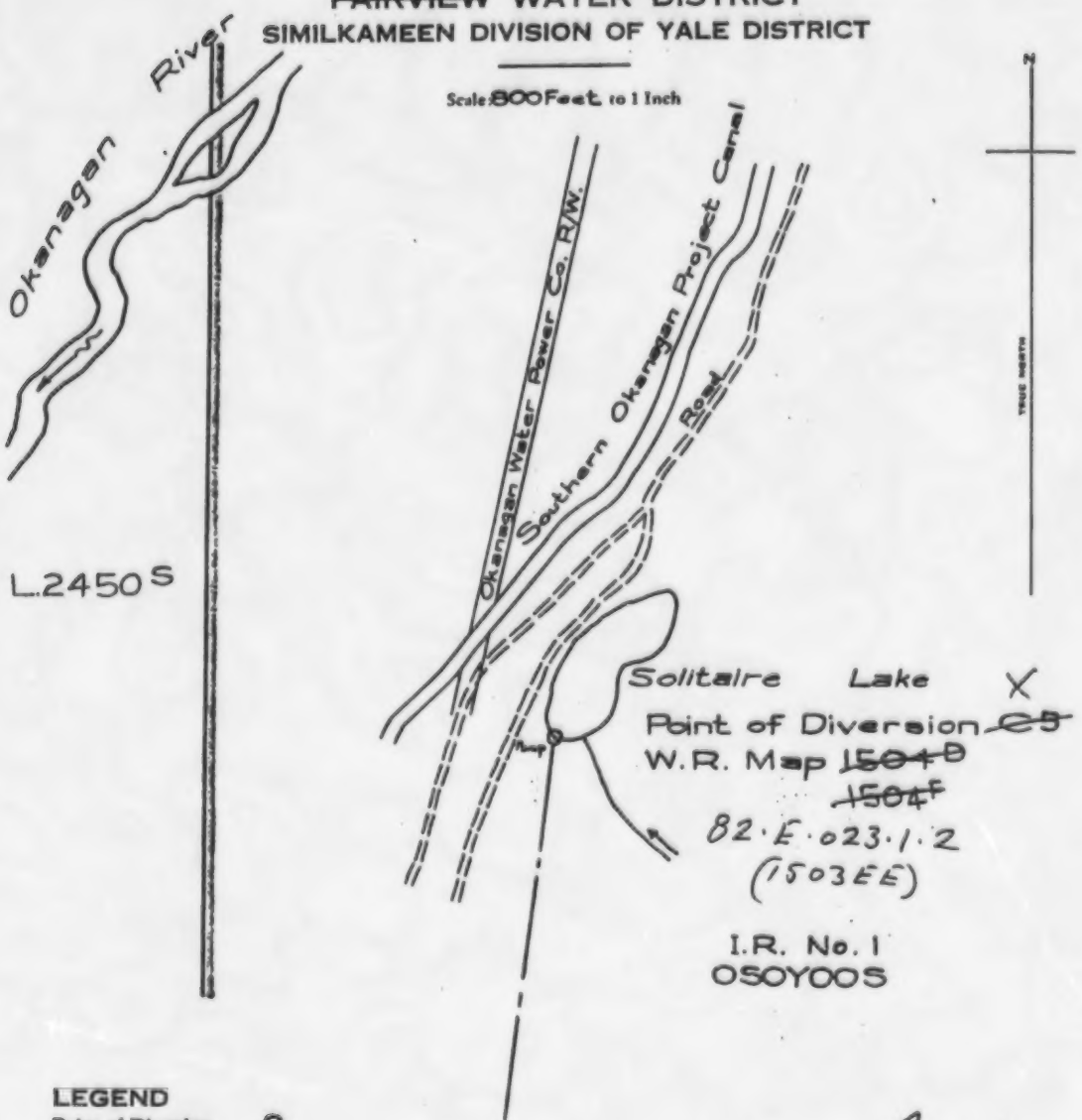
W.R.B. 42

# British Columbia

9

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT
SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 800 Feet to 1 Inch




**LEGEND**

Point of Diversion O

Pipeline ——— - ———

The boundaries of the land to which this licence is appurtenant are shown thus: [redacted]

**EXHIBIT "A"**

Signature [signature]

Date 3 Jan., 1962.

C.L. 26670.

File 0237452

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# CONDITIONAL WATER LICENCE

Department of Northern Affairs and National Resources, Indian Affairs Branch of Ottawa, Ontario,

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Tugulnuit Lake.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 23rd December, 1965.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 260 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve No.1, Osoyoos, of which 65 acres may be irrigated.

(h) The works authorized to be constructed are pump, pipe and sprinklers,

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of July, 1967, and shall be completed and the water beneficially used on or before the 31st day of December, 1968.

(j) This licence does not authorize the diversion of water at any time when the level of Tugulnuit Lake is below elevation 971.5 feet, Geodetic Survey of Canada datum.

(k) This licence expires on the 31st day of December, 1968, but may be renewed at the discretion of the Comptroller of Water Rights.

ABANDONED

SEP 27 1971

H. D. DeBeck,
*Comptroller of Water Rights.*

File No. 0266773 Date issued: 15 February 1967 Conditional Licence No. 31930

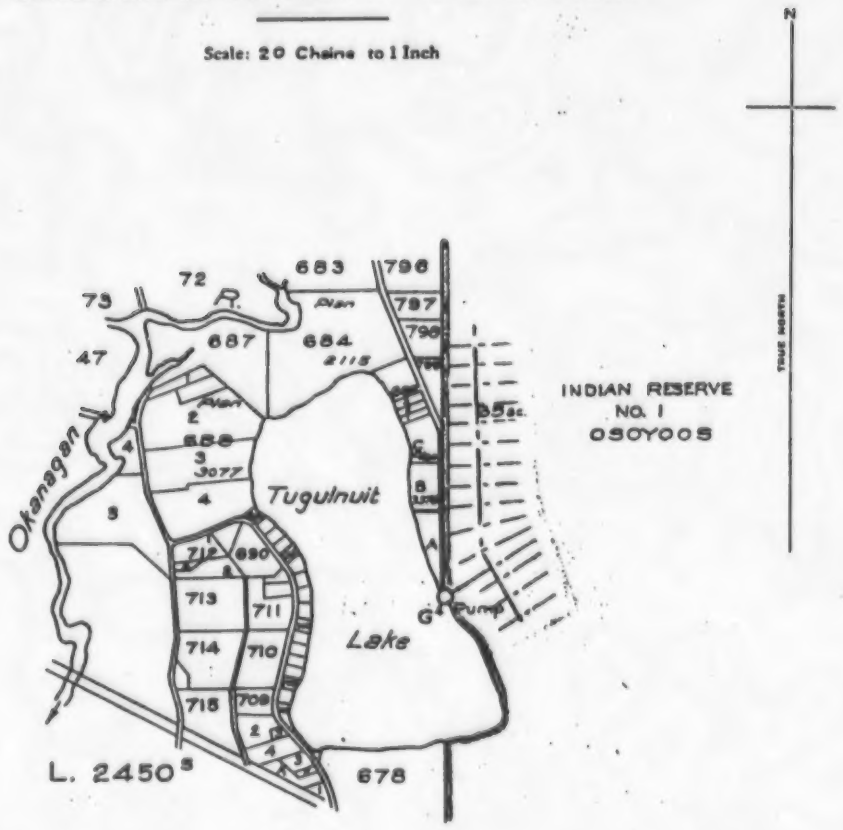
1503[E] 67M 8
B.C.

# British Columbia

## FAIRVIEW WATER DISTRICT

### SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 20 Chains to 1 Inch




**LEGEND**

Point of Diversion
W.R. Map ~~1503~~ 1503D
Pipe —— - ——

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬▬

Signature W. D. DeBeck

Date Feb. 15, 1967

L. 31930

File 0266773

**EXHIBIT "A"**

7

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs
(Kootenay-Okanagan Agency) of OTTAWA, Ontario

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Inkaneep Creek.

(b) The point(s) of diversion and rediversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 1st March, 1968.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 200 acre feet per annum, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Lots 1, 2, 3 and 5 of Block B of Osoyoos Indian Reserve #1, Similkameen Division of Yale District, as shown on attached plan, of which 50 acres may be irrigated.

(h) The works authorized to be constructed are pump, pipe, ditch and sprinkler system, which shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been commenced, and shall be completed and the water beneficially used on or before the 31st day of December, 1973.

(j) This licence does not authorize the rediversion and use of water from Cassidy Lake at any time when the water level of Cassidy Lake falls below the minimum level established in writing for the purpose of this licence by the Engineer for the Fairview Water District.

ENTERED ON
Map No. 1
By

H. D. DeBeck,
*Comptroller of Water Rights.*

File No. 0277677 Date issued: 15 May 1970 Conditional Licence No. 35629

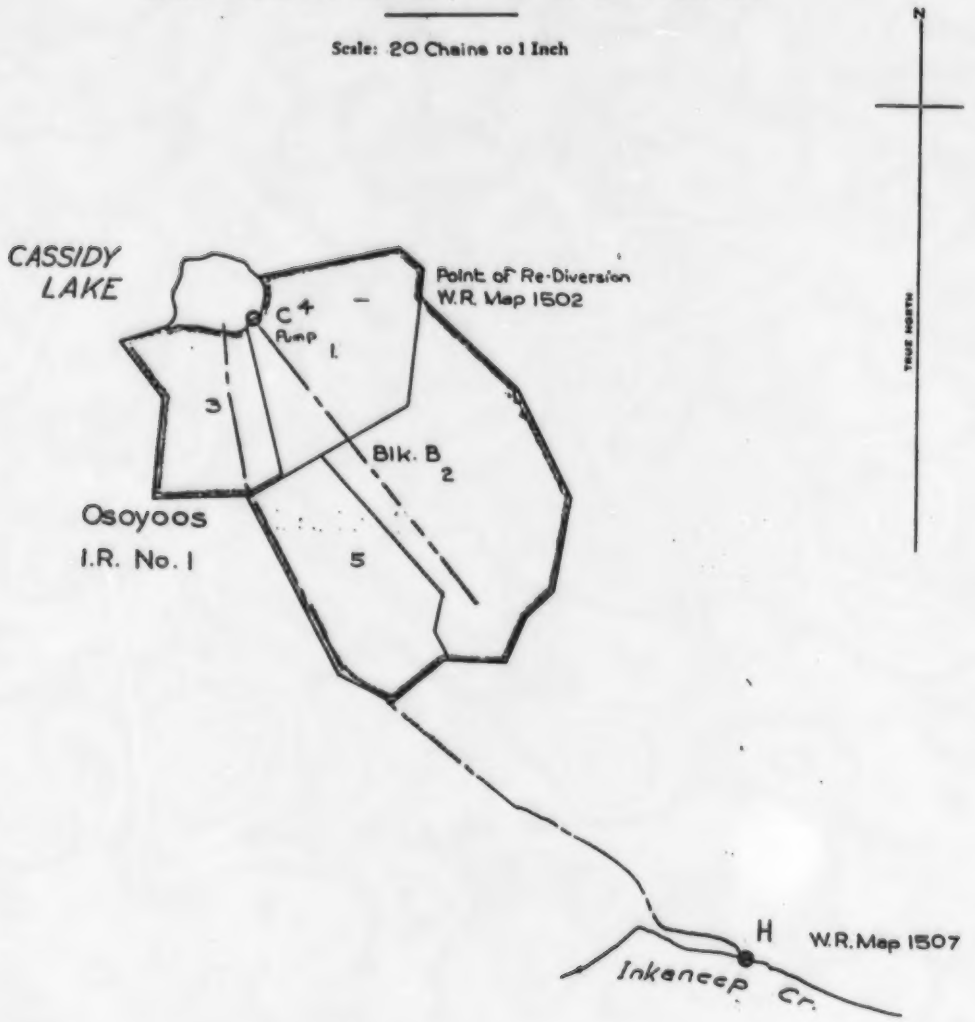
5

# British Columbia

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 20 Chains to 1 Inch




**LEGEND**

Point of Re Diversion & Point of Diversion O
W.R. Maps 1502 & 1507
Pipe & Ditch ———

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬▬

Signature [signature]

Date May 15 1970

**EXHIBIT "A"**

Fairview Precinct
For Storage See C.L. 35630

C.L. 35629
File 0277677

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs
(Kootenay-Okanagan Agency) of OTTAWA, Ontario

is/are hereby authorized to divert and store water as follows:—

(a) The source(s) of the water-supply is/are Inkaneep Creek and the reservoir is Cassidy Lake.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 1st March, 1968.

(d) The purpose for which the water is to be used is as set out in Conditional Water Licence No. 35629.

(e) The maximum quantity of water which may be stored is 200 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be stored is 1st October to 30th June.

(g) The land upon which the water is to be used and to which this licence is appurtenant is as set out in Conditional Water Licence No. 35629.

(h) The works authorized to be constructed are ditch,

which shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 30th day of November, 1970, and shall be completed and the water beneficially used on or before the 31st day of December, 1973.

ENTERED ON
Map No.
By

H. D. DeBeck,
*Comptroller of Water Rights.*

File No. 0277677 Date issued: 15 May 1970 Conditional Licence No. 35630

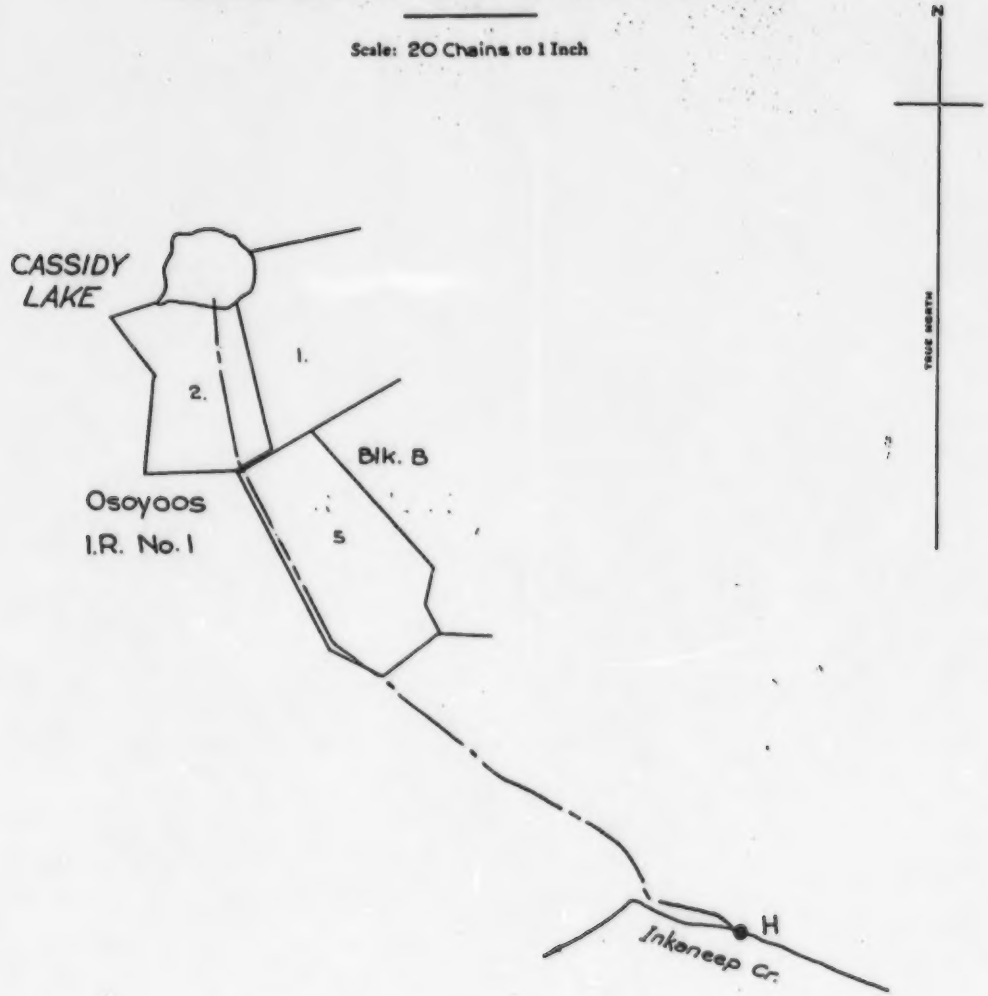
5

# British Columbia

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 20 Chains to 1 Inch




**LEGEND**

Point of Diversion O
W.R. Map 1502 & 1507
Ditch ——·——

The ~~boundaries~~ of the land in which this Excave ~~account~~ are shown thus: ——— ———

Signature

Date May 15 1970

**EXHIBIT "A"**

Fairview Precinct
For Diversion See C.L. 35629

C.L. 35630
File 0277677

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs (Kootenay Okanagan Agency) of Ottawa, Ontario,

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Rancher Creek.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 29th July, 1969.

(d) The purpose for which the water is to be used is waterworks.

(e) The maximum quantity of water which may be diverted is 10,000 gallons a day,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is the whole year.

(g) The land upon which the water is to be used and to which this licence is appurtenant is

Osoyoos Indian Reserve No.1, Similkameen Division of Yale District.

(h) The works authorized to be constructed are diversion structure, pump, pipe and reservoir,

which shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of January, 1971, and shall be completed and the water beneficially used on or before the 31st day of December, 1973.

ENTERED ON
Map No. 1500
By [illegible]

H. D. DeBeck,
*Comptroller of Water Rights.*

File No. 0290066 Date issued: 2 July, 1970 Conditional Licence No. 35795

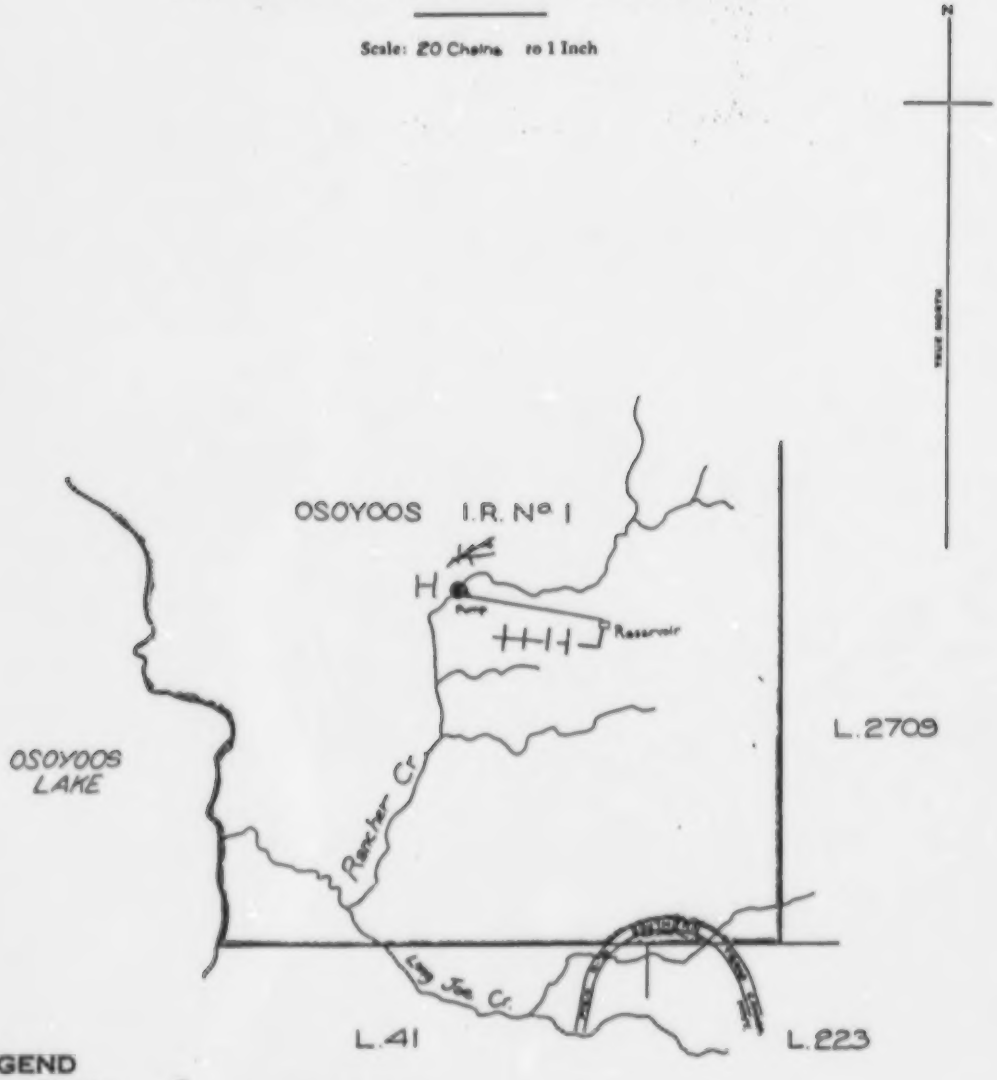
4

# British Columbia

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 20 Chains to 1 Inch




**LEGEND**

Point of Diversion O
W.R. Map 21500 82·E 0032.4
Pipe ——— - ———

The boundaries of the land to which this licence is appurtenant are shown thus: ———————

Signature [signature]

Date July 2, 1970

CL 35795
File 0290066

**EXHIBIT "A"**

FAIRVIEW PRECINCT

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs
(Kootenay-Okanagan Agency) of OTTAWA, Ontario

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Osoyoos Lake.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 11th February, 1971.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 120 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is
Lots 30 and 31, Block B of Osoyoos Indian Reserve #1, Similkameen Division of Yale District, Plan 258-29, on file with Department of Indian Affairs, Ottawa, of which 30 acres may be irrigated.

(h) The works authorized to be constructed are diversion structure, pump, pipe and sprinkler system,

which shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been completed and the water shall be beneficially used on or before the 31st day of December, 1973.

H. D. DeBeck,
*Comptroller of Water Rights.*

File No. 0300769 Date issued: 1 April 1972 Conditional Licence No. 38683

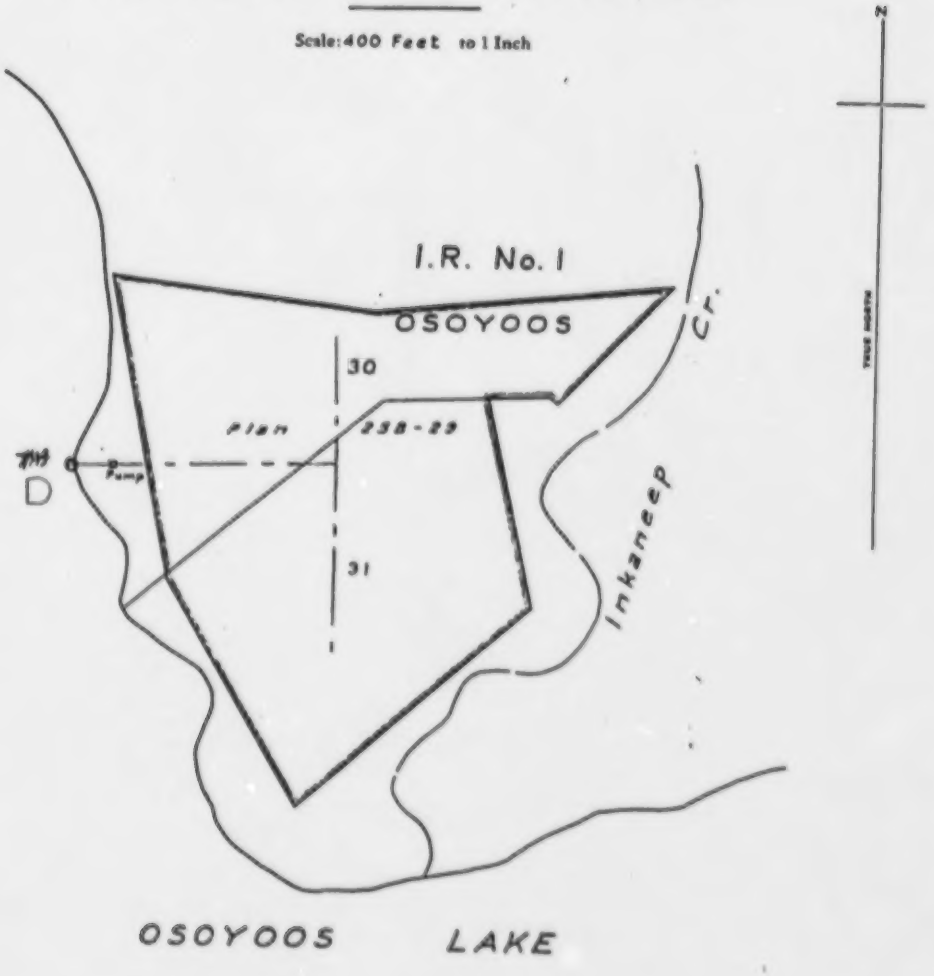
ENTERED ON
Map No. 50 I I
by C.H.R.

# British Columbia

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 400 Feet to 1 Inch




**LEGEND**

Point of Diversion ●
W.R. Map ~~1967~~ 82·E·003·3·2
Pipe — - —

The boundaries of the land to which this licence is appurtenant are shown thus: ———

Signature

Fairview Precinct

Dec 1st Apr 1972

CL 38683
File 0300769

**EXHIBIT "A"**

WATER MANAGEMENT BRANCH

MINISTRY OF ENVIRONMENT

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# CONDITIONAL WATER LICENCE

Osoyoos Indian Band, Site 2, Box 1, R. R. #3, Oliver, B. C. V0H 1T0

is hereby authorized to divert and use water as follows:

(a) The source of the water supply is Okanagan River.

(b) The point of diversion is located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 14th October, 1983.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 1656 acre feet per annum, and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve No. 1, Osoyoos, Similkameen Division of Yale District, of which 552 acres may be irrigated.

(h) The works authorized to be constructed are diversion structure, pumps, pipe, and sprinkler system, which shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 31st day of July, 1984, and shall be completed and the water beneficially used on or before the 31st day of September, 1987.

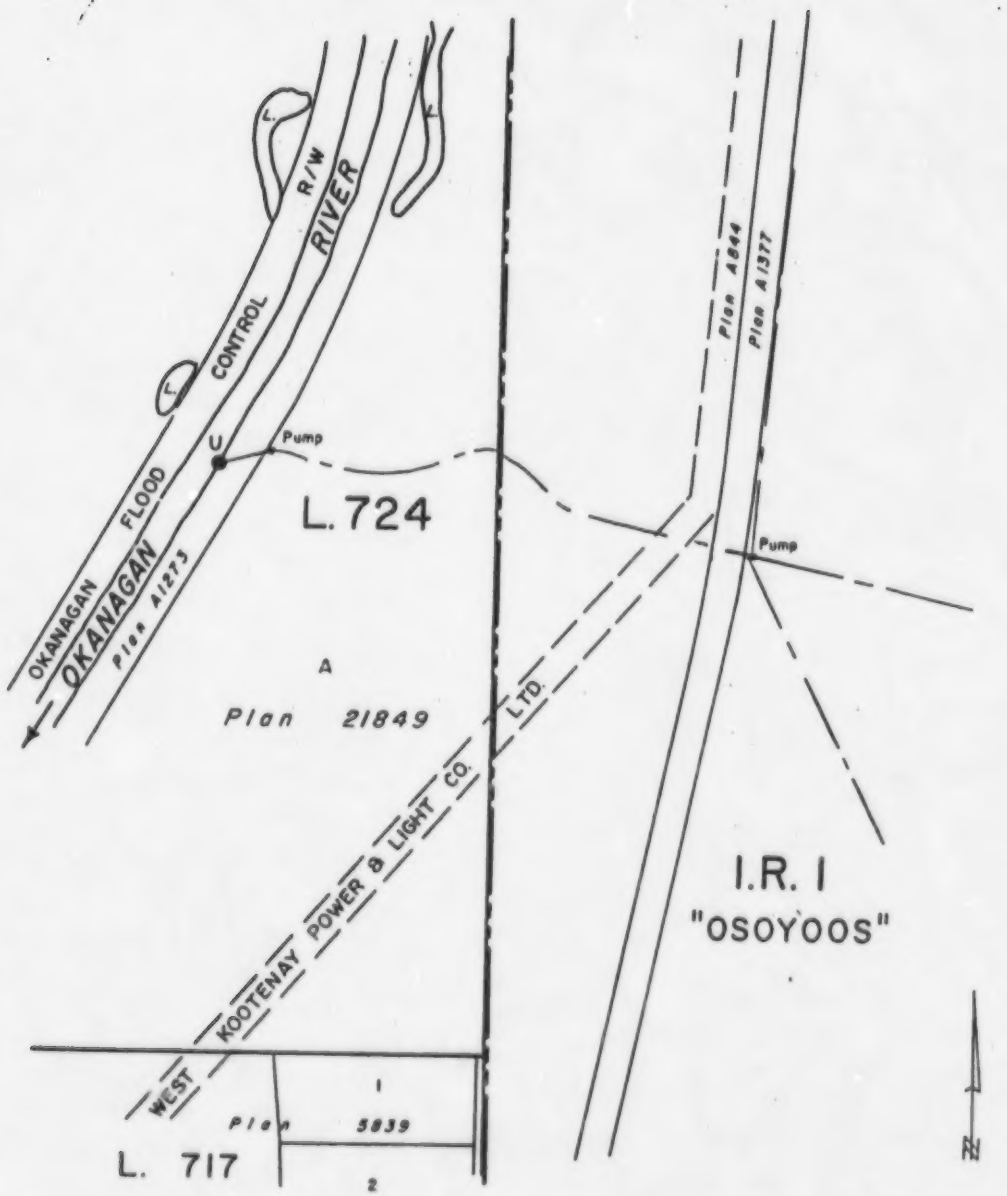
(j) Construction of the works authorized under clause (h) hereof shall not be commenced until plans of the same have been submitted to and approved by the Engineer for the Penticton Water District.

K. E. Farrell,
Deputy Comptroller of Water Rights.

File No. 8000266 Date issued: 12th December, 1983 Conditional Licence 59415

ENTERED ON
Map No. 92-E-013.3
By

**Province of British Columbia**




WATER DISTRICT :PENTICTON
PRECINCT :FAIRVIEW
LAND DISTRICT :SIMILKAMEEN DIVISION OF YALE

Signature

Date 12th Dec. 1983

LEGEND

Scale : 1 : 5000
Point of Diversion :
Map Number : WR 82 · E · 013 · 3 · 2
Pipe :

C.L. 59415
File 8000266

1

The boundaries of Indian Reserve No. 1, "Osoyoos" are shown thus: ——— – – ———

W.R.B. 2—15-4-36-9939

PROVINCE OF BRITISH COLUMBIA.

# WATER RIGHTS BRANCH.

DEPARTMENT OF LANDS.

## FINAL WATER LICENCE.

The Superintendent-General of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is are Atsiklak springs and creek

a tributary of ——————

(b.) The point of diversion from the stream is are located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 30th January, 1897.

(d.) The purpose for which the water is to be used is irrigation and domestic.

(e.) The maximum quantity of water which may be diverted from the stream is 90 acre feet per annum, of which quantity 1000 gallons a day may be used for domestic purposes.

(f.) The period of the year during which the water may be used is for irrigation purpose is 1st April to 30th September and for domestic purpose is the whole year.

(g.) The land upon which the water may be used is 30 acres of the northern portion of Osoyoos Indian Reserve #1,

as shown in the said Exhibit "A."

(h.) The works for the diversion and the carriage of the water consist of

(i.) This licence is issued in substitution of Conditional Water Licence No. 6693.

APPROVED

Date issued August 20th, 1936.

Comptroller of Water Rights.

File No. 25-17-1.

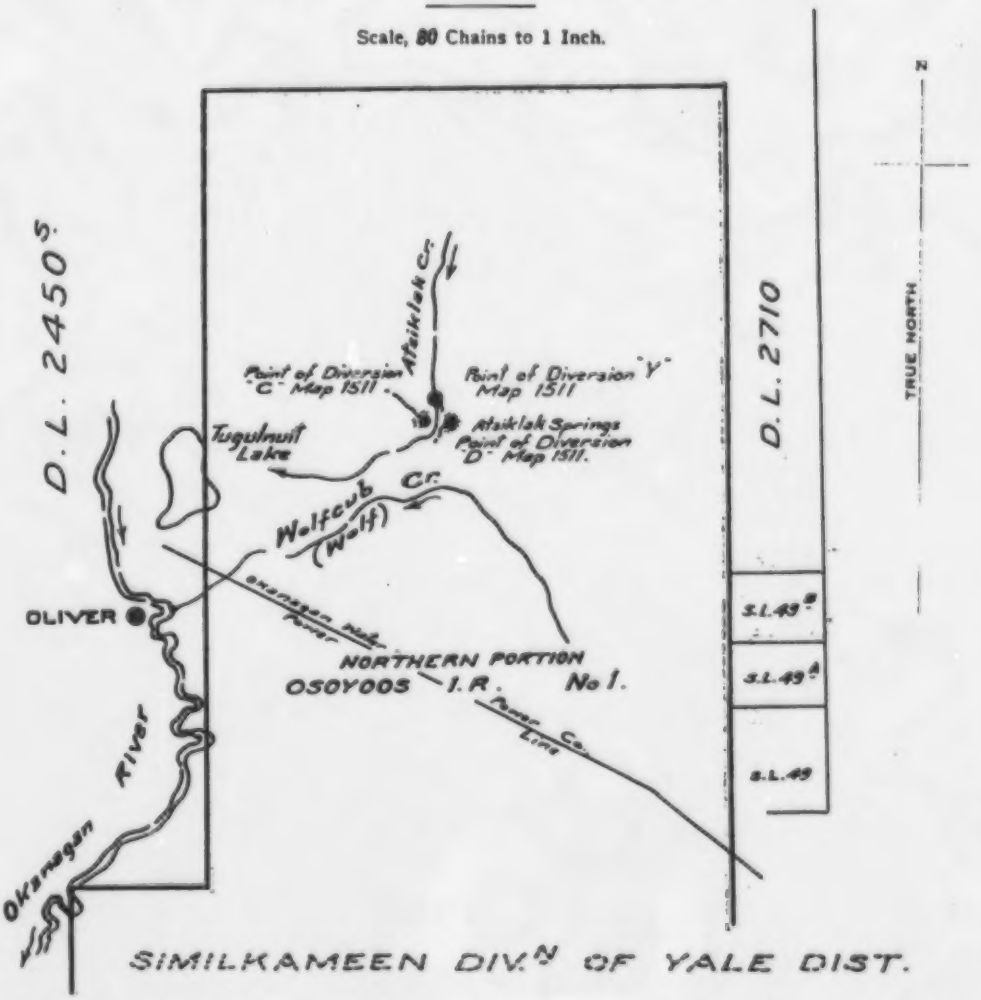
Licence No. 9760

# British Columbia.

To accompany Final Licence No. 9760

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

Scale, 80 Chains to 1 Inch.




SIMILKAMEEN DIV.N OF YALE DIST.

The boundaries of the land to which this license is appurtenant are shown shaded & the acres within the said boundaries are to be irrigated.

Signature [signature]

Date 20th Aug. 1936

F.L. 9760 for C.L. 6693

EXHIBIT "A"

File 25.17.1

W.R.D. 9—1M-3364-9239

PROVINCE OF BRITISH COLUMBIA. | WATER RIGHTS BRANCH. | DEPARTMENT OF LANDS.

# FINAL WATER LICENCE.

The Superintendent-General of Indian Affairs of Ottawa, Canada, is hereby authorized to divert and use water as follows:—

(a.) The source of the water-supply is Wolfcub (Wolf) creek

a tributary of Okanagan river.

(b.) The point of diversion from the stream is located as shown in the Exhibit marked "A" hereto attached.

(c.) The date from which this licence shall have precedence is 1st February, 1897.

(d.) The purpose for which the water is to be used is irrigation and domestic.

(e.) The maximum quantity of water which may be diverted from the stream is 672 acre feet per annum of which quantity 4000 gallons a day may be used for domestic purpose.

(f.) The period of the year during which the water may be used is for irrigation purpose is 1st April to 30th September and for domestic purpose is the whole year.

(g.) The land upon which the water may be used is 224 acres of northern portion Osoyoos Indian Reserve #1,

as shown in the said Exhibit "A."

(h.) The works for the diversion and the carriage of the water consist of. ditches.

(i.) This licence is issued in substitution of Conditional Water Licence No. 6694.

Date issued 20th August, 1936.

Comptroller of Water Rights.

File No. 26-17-1.

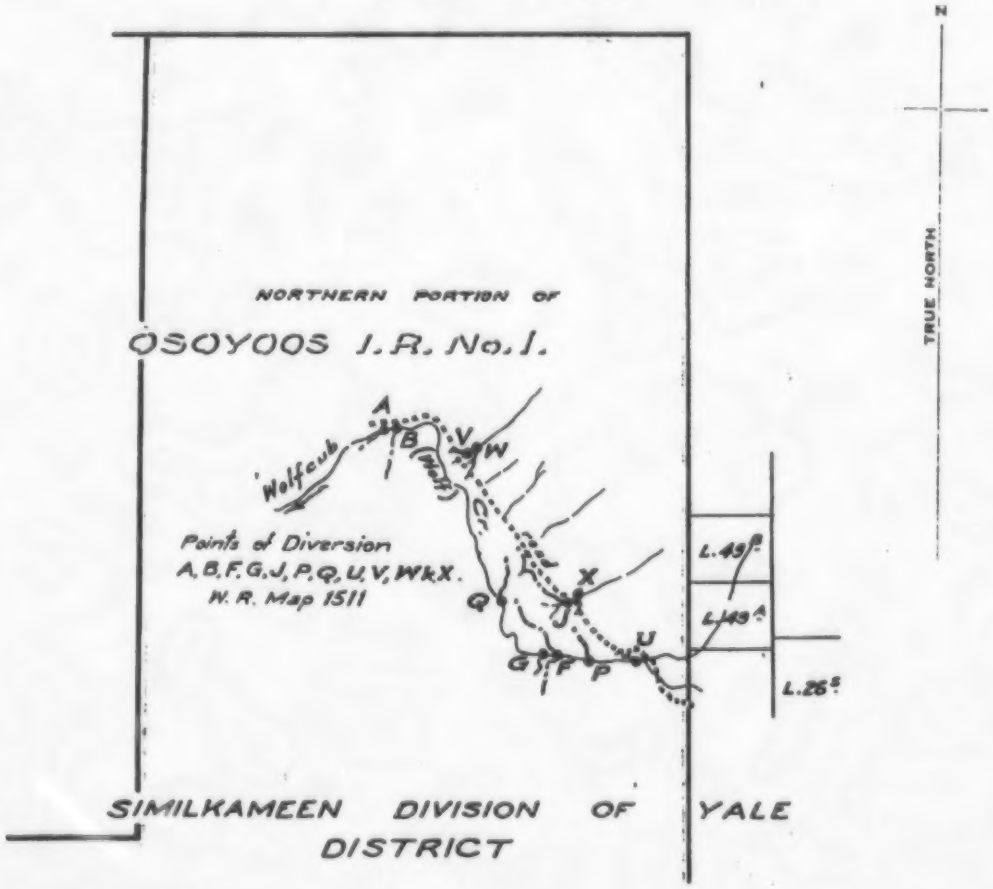
Licence No. 9761

# British Columbia.

To accompany Final Licence No. 9761

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

Scale, 80 Chains to 1 Inch.




The boundaries of the land to which this licence is appurtenant are shown shaded
A 232 Acres within the said boundaries
are to be irrigated.

Signature J. Macdonald

Date 20th Aug. 1936.

F.L. 9761 for C.L. 6694

EXHIBIT "A"

File 26-17-1

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

# FINAL WATER LICENCE

Director of Indian Affairs, Ottawa, Ontario

is/are hereby authorized to divert and use water as follows:—

(*a*) The source(s) of the water-supply is/are Tugulnuit Lake.

(*b*) The point(s) of diversion is/are located as shown on the attached plan.

(*c*) The date from which this licence shall have precedence is 7th February, 1961.

(*d*) The purpose for which the water is to be used is irrigation.

(*e*) The maximum quantity of water which may be diverted is 191.2 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(*f*) The period of the year during which the water may be used is 1st April to 30th September.

(*g*) The land upon which the water is to be used and to which this licence is appurtenant is Osoyoos Indian Reserve No.1, Similkameen Division of Yale District, of which 47.8 acres may be irrigated.

(*h*) The works authorized hereunder are pump, pipe and sprinklers,

located as shown on the attached plan.

(*i*) This licence is issued in substitution of Conditional Water Licence No. 26616.

1033

H. D. DeBeck,
*Comptroller of Water Rights.*

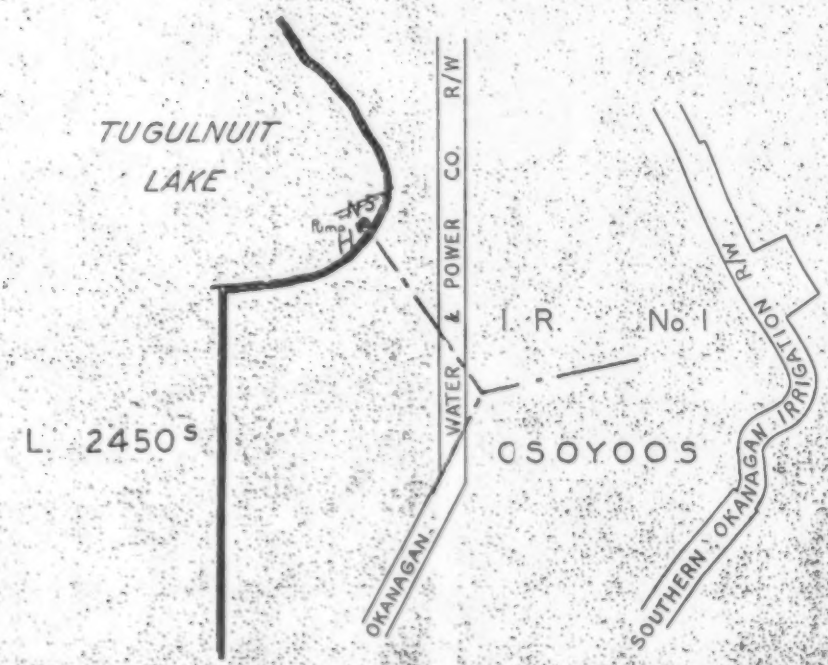
File No. 0234968 Date issued: 15 December 1967 Final Licence No. 20238

# British Columbia

PENTICTON
~~FAIRVIEW~~ WATER DISTRICT

SIMILKAMEEN DIVISION OF YALE DISTRICT

Scale: 500 feet to 1 Inch




**LEGEND**

Point of Diversion ●
W.R. Map ~~1503~~ 82E.013.3.4 (150300)
Pipe — — —

The boundaries of the land to which this licence is appurtenant are shown thus: ———

**EXHIBIT "A"** 4

Signature [signature]

Date 13th Dec. 1967

FL 20238 CL 26616
File 0234968

# ATTACHMENT 4

Stream Register Report  Water Licence Information System

Report Requested By : JEGILL
Date Report Requested : 1995/10/03 09:19
Report Sorted By : Source Gazetted - Priority Date - Licence Number
Selection Criteria
START POINT : PO53075 - 1511 Y
END POINT : S04002 - Ateikiek Creek right of Wolfcub Creek